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TITLE 3—THE PRESIDENT

PROCLAMATION 2991

IMPOSING IMPORT FEES ON SHELLED AND PREPARED ALMONDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, and section 3 of the act of June 28, 1950, 64 Stat. 261 (7 U. S. C. 624), I caused the United States Tariff Commission to make an investigation to determine whether certain tree nuts are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, certain programs or operations undertaken by the Department of Agriculture with respect to such nuts, or to reduce substantially the amount of any product processed in the United States from such nuts with respect to which any such program or operation is being undertaken; and

2. WHEREAS the Commission instituted such investigation on April 13, 1950, and on November 24, 1950 reported to me that there was at that time no basis for any action under the said section 22 with respect to imports of such nuts, but that it was continuing the investigation; and

3. WHEREAS, after further investigation, including a public hearing, the Commission, on November 28, 1951, reported to me regarding the need for action under the said section 22 in order to protect the programs of the United States Department of Agriculture for the crop year 1951–52 with respect to almonds, pecans, filberts, and walnuts, in which report the Commission found that the imposition of a specified fee on imports of shelled almonds and of blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) entered, or withdrawn from warehouse, for consumption during the period October 1, 1951 to September 30, 1952, inclusive, in excess of a specified aggregate quantity, was necessary to prevent imports of such almonds from rendering ineffective or materially interfering with the program undertaken by the Department of Agriculture with respect to almonds; and

4. WHEREAS, in accordance with the Commission's recommendation in the said report of November 28, 1951, on December 10, 1951 I issued a proclamation pursuant to the said section 22 imposing a fee on imports of shelled almonds and on blanched, roasted, or otherwise prepared or preserved almonds entered, or withdrawn from warehouse, for consumption during the period October 1, 1951 to September 30, 1952, inclusive, in excess of a certain aggregate quantity, as specified in the Commission's recommendation; and

5. WHEREAS the Commission continued the said investigation for the purpose of reporting to the President regarding any later action which might be found to be necessary to carry out the purposes of the said section 22; and

6. WHEREAS, after further investigation, including a hearing, for the purpose of determining what action, if any, should be taken under the said section 22 with respect to imports of certain tree nuts, to prevent imports of such nuts from entering during the 1952–53 crop year under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, programs undertaken by the Department of Agriculture with respect to almonds, filberts, walnuts, or pecans, or to reduce substantially the amount of any product processed in the United States from domestic almonds, filberts, walnuts, or pecans, the Commission reported to me on September 25, 1952 its findings resulting from such investigation; and

7. WHEREAS, on the basis of such further investigation and report of the Commission, I find that shelled almonds, blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) are practically certain to be imported into the United States during the period October 1, 1952 to September 30, 1953, both dates inclusive, under such conditions and in such quan-

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE—Con.

tities as to render or tend to render ineffective, or materially interfere with the program undertaken by the Department of Agriculture with respect to almonds pursuant to the Agricultural Marketing Agreement Act of 1937, as amended; and

8. WHEREAS I find and declare that the imposition of the fees hereinafter proclaimed are shown by such investigation of the Commission to be necessary in order that the entry of imported shelled almonds, blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) will not render or tend to render ineffective, or materially interfere with, the said program undertaken by the Department of Agriculture with respect to almonds:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim:

That a fee of 5 cents per pound shall be imposed upon shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) entered, or withdrawn from warehouse, for consumption during the period October 1, 1952 to September 30, 1953, both dates inclusive, until an aggregate quantity of 7,000,000 pounds of such almonds have been so entered or withdrawn during such period, and a fee of 10 cents per pound shall be imposed upon such almonds entered, or withdrawn from warehouse, for consumption during such period in excess of an aggregate quantity of 7,000,000 pounds: *Provided*, That in neither case shall the fee be in excess of 50 per centum ad valorem.

The fees imposed by this proclamation shall be in addition to any other duties imposed on the importation of the articles subject to such fees.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of September in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-10343; Filed, Sept. 29, 1952; 12:45 p. m.]

EXECUTIVE ORDER 10393

MILITARY PROTECTION OF THE CANAL ZONE

WHEREAS the Commander in Chief, Caribbean, is responsible, subject to the authority of the President, the Secretary of Defense, the Secretary of the Army, and the Joint Chiefs of Staff, for the military security, protection, and defense of the Canal Zone;

WHEREAS the Canal Zone Government, under the Governor of the Canal Zone and subject to the supervision of the Secretary of the Army, is charged, except as otherwise provided by law, with the performance of various duties connected with the civil government, including protection, of the Canal Zone;

WHEREAS as a practical matter, the aforesaid duties of the Commander and the Governor are not wholly mutually exclusive, particularly in time of emergency; and

WHEREAS it is necessary to make appropriate arrangements concerning the security of the Canal Zone during the present emergency:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, including the Canal Zone Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. As between the Commander in Chief, Caribbean, and the Governor of the Canal Zone, the views of the former shall prevail with respect to determinations as to whether any aspect of the protection of the Canal Zone pertains to its military security, protection, and defense, as distinguished from the protection afforded by the civil authorities. Should the Governor of the Canal Zone disagree with any specific decision of the Commander in Chief, Caribbean, under this paragraph, the said Governor may, through the Secretary of the Army or through the Board of Directors of the Panama Canal Company, as may be appropriate, appeal such decision to the President. Pending any modification of the said decision by the President pursuant to appeal, such decision shall remain binding and effective. The provisions of this paragraph shall remain in force until the termination of the emergency proclaimed by the President December 16, 1950.

2. Executive Order No. 2382 of May 17, 1916, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 26, 1952.

[F. R. Doc. 52-10313; Filed, Sept. 29, 1952; 4:41 p. m.]

EXECUTIVE ORDER 10399

DESIGNATING THE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE TO PERFORM CERTAIN DUTIES UNDER THE INTERNATIONAL SANITARY REGULATIONS (WORLD HEALTH ORGANIZATION REGULATIONS NO. 2)

WHEREAS, under Articles 21 and 22 of the Constitution of the World Health Organization, adopted in New York on July 22, 1946, accepted June 14, 1948, on behalf of the United States of America by the President acting pursuant to the authority granted by the joint resolution of the Congress of the United States of America approved June 14, 1948 (Public Law 643, 80th Congress, 22 U. S. C. 290), the Government of the United States of America, together with the governments of other countries which have accepted the said Constitution, undertakes to give effect to regulations of the World Health Assembly concerning sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease, as to which the said governments have not entered an unacceptable reservation or a rejection; and

WHEREAS the World Health Assembly on May 25, 1951, adopted International Sanitary Regulations (World Health Organization Regulations No. 2) concerning sanitary and quarantine measures which may be imposed on international traffic to prevent the international spread of smallpox, plague, cholera, yellow fever, typhus, and relapsing fever, as well as concerning reports and notifications of outbreaks of such diseases; and

WHEREAS the said International Sanitary Regulations have been accepted by the Government of the United States of America without reservation and come into force on October 1, 1952, with respect to the said Government and the governments of certain other countries; and

WHEREAS, in order that the Government of the United States of America may give full and complete effect to the said regulations and assist in the prevention of the international spread of disease, it is necessary that an agency of the executive branch of the said Government be designated to exercise functions and perform duties under the said regulations; and

WHEREAS authority and responsibility for the prevention of the introduction, transmission, or spread of communicable diseases from foreign countries into the States and possessions of the United States of America already is vested in the Surgeon General of the Public Health Service, Federal Security Agency, pursuant to the Public Health Service Act (Public Law 410, 78th Congress; 42 U. S. C. 201, et seq.):

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States of America, I hereby designate the Surgeon General of the Public Health Service in the Federal Security Agency as the "health administration" of the United States of America for the purpose of performing the duties prescribed and undertaken in the said International Sanitary Regulations.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 27, 1952.

[F. R. Doc. 52-10627; Filed, Sept. 29, 1952; 10:26 a. m.]

EXECUTIVE ORDER 10400

AMENDING EXECUTIVE ORDER NO. 10122[1] OF APRIL 14, 1950, ENTITLED "REGULATIONS GOVERNING PAYMENT OF DISABILITY RETIREMENT PAY, HOSPITALIZATION, AND RE-EXAMINATION OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES"

By virtue of and pursuant to the authority vested in me by section 414 (b) of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), and as President of the United States and Commander in Chief of the Armed Forces of the United States, I hereby amend Executive Order No. 10122 of April 14, 1950, entitled "Regulations Governing Payment of Disability Retirement Pay, Hospitalization, and Re-examination of Members and Former Members of the Uniformed Services", as follows, such amendments to be effective October 15, 1952:

Section 3 of such order is amended to read as follows: "All duties, powers, and functions incident to the hospitalization, except as provided in section 5 of this order, and re-examination of members of the uniformed services placed on the temporary disability retired list under the provisions of the Career Compensation Act of 1949 shall be vested in the Secretary concerned."

Section 5 of such order is amended to read as follows: "All duties, powers, and functions incident to the hospitalization of members or former members of the uniformed services placed on the temporary disability retired list or permanently retired for physical disability or receiving disability retirement pay who require hospitalization for chronic diseases shall be vested in the Administrator of Veterans' Affairs: *Provided*, that all duties, powers, and functions incident to the hospitalization of such members or former members who are or have been admitted to hospitals under the jurisdiction of the uniformed services before October 15, 1952, may be exercised by the Secretary concerned until April 15, 1953: *Provided further*, that all the duties, powers, and functions incident to hospitalization for such members or former members who have completed twenty or more years of active duty, as defined in section 412 of the Career Compensation Act of 1949, who require hospitalization for chronic diseases other than blindness, neuropsychiatric or psychiatric disorders and tuberculosis, who are acceptable medically to the Commanding Officer of a service hospital, and who elect not to receive hospitalization in Veterans Administration facilities shall be vested in the Secretary concerned: *And provided further*, that for the purpose of this order, the term 'chronic diseases' shall be construed to include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees, and such other diseases as may be so defined jointly by the Secretary of Defense, the Administrator of Veterans' Affairs, and the Federal Security Administrator and so described in appropriate regulations of the respective departments and agencies concerned. Executive Order No. 9703 of March 12, 1946, prescribing regulations relating to the medical care of certain personnel of the Coast Guard, Coast and Geodetic Survey, Public Health Service, and the former Lighthouse Service, is hereby amended to the extent necessary to conform to the provisions of this section."

HARRY S. TRUMAN

THE WHITE HOUSE,
September 27, 1952.

[F. R. Doc. 52-10628; Filed, Sept. 29, 1952; 10:27 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR SHELLED ALMONDS

On August 15, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 7435) regarding proposed United States Standards for Shelled Almonds.

[1] 15 F. R. 2173; 3 CFR 1950 Supp.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice of rule making, the following United States Standards for Shelled Almonds are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.457 *Standards for shelled almonds*—(a) *Grades*—(1) *U. S. Fancy.*

U. S. Fancy consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 3 percent;

(c) *For kernels injured by chipping or scratching.* 5 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(f) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for serious damage.

(2) *U. S. Extra No. 1.* U. S. Extra No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 5 percent;

(c) *For kernels damaged by chipping or scratching.* 5 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(f) *For other defects.* 4 percent, including not more than three-eighths of this amount, or 1½ percent, for serious damage.

(3) *U. S. No. 1.* U. S. No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 15 percent;

(c) *For kernels damaged by chipping or scratching.* 10 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(f) *For other defects.* 5 percent, including not more than three-tenths of this amount, or 1½ percent, for serious damage.

(4) *U. S. Select Sheller Run.* U. S. Select Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 15 percent;

(c) *For kernels damaged by chipping and scratching.* 15 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%);

(f) *For split and broken kernels.* 5 percent: *Provided,* That not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening 25/64 inch in diameter; and,

(g) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(5) *U. S. Standard Sheller Run.* U. S. Standard Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 25 percent;

(c) *For kernels damaged by chipping and scratching.* 20 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%);

(f) *For split and broken kernels.* 15 percent: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening 25/64 inch in diameter; and,

(g) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(6) *U. S. No. 1 Whole and Broken.* U. S. No. 1 Whole and Broken consists of shelled almonds which are of similar varietal characteristics, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(ii) Unless otherwise specified, the minimum diameter shall be not less than 25/64 of an inch. (See other size requirements and tolerances for size.)

(iii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 35 percent;

(c) *For foreign material.* Three-tenths of 1 percent (0.30%);

(d) *For particles and dust.* One-tenth of 1 percent (0.10%);

(e) *For undersize.* 5 percent; and,

(f) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(7) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of shelled almonds which are not bitter, which are clean, well dried, which are free from decay, rancidity, insect injury, foreign material, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) Unless otherwise specified, the minimum diameter shall be not less than 25/64 of an inch. (See other size requirements and tolerances for size.)

(ii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For bitter almonds mixed with sweet almonds.* 1 percent;

(b) *For foreign material.* Three-tenths of 1 percent (0.30%);

(c) *For particles and dust.* 1 percent; and,

(d) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(b) *Mixed varieties.* Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U. S. No. 1, U. S. Select Sheller Run, U. S. Standard Sheller Run, U. S. No. 1 Whole and Broken may be designated as: "U. S. No. 1 Mixed;" "U. S. Select Sheller Run Mixed;" "U. S. Standard Sheller Run Mixed;" or "U. S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

(c) *Unclassified.* Unclassified consists of shelled almonds which have not been classified in accordance with any

of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements.* The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Permissible count ranges per ounce are shown below but a narrower or wider range may be specified: *Provided,* That the kernels are fairly uniform in size.

Count range per ounce

16 to 18, inclusive.
18 to 20, inclusive.
20 to 22, inclusive.
22 to 24, inclusive.
23 to 25, inclusive.
24 to 26, inclusive.
26 to 28, inclusive.
27 to 30, inclusive.
30 to 34, inclusive.
36 to 40, inclusive.
40 to 50, inclusive.
50 and smaller.

(e) *Tolerances for size.* When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(1) When the minimum, or minimum and maximum diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided,* That not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

(f) *Application of tolerances.* The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in color of kernels of the same variety.

(2) "Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

(3) "Clean" means that the kernel is practically free from dirt and other foreign substance.

(4) "Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

(5) "Decay" means that the kernel is putrid or decomposed.

(6) "Rancidity" means that the kernel is noticeably rancid to the taste.

(7) "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

(8) "Foreign material" means pieces of shell, hulls or other foreign matter which will not pass through a round opening $\frac{8}{64}$ of an inch in diameter.

(9) "Doubles" means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

(10) "Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening $\frac{8}{64}$ of an inch in diameter.

(11) "Particles and dust" means fragments of almond kernels or other material which will pass through a round opening $\frac{8}{64}$ of an inch in diameter.

(12) "Injury" means any defect which more than slightly affects the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(i) Chipped and scratched kernels, when the general appearance of the lot is more than slightly affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

(13) "Damage" means any defect which materially affects the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(ii) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(iii) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(iv) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed, provided that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(v) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

(14) "Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

(15) "Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel, or piece of kernel through a round opening.

(16) "Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

(h) *Effective time.* The United States Standards for Shelled Almonds contained in this section and which supersede the United States Standards for Shelled Almonds effective August 23, 1951, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 25th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10572; Filed, Sept. 29, 1952; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 20, 1952 (17 F. R. 8458), notice that the market administrator under Order No. 4, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 904.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 4, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 4, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 904.102 and renumber §§ 904.103, 904.104, and 904.105 as §§ 904.102, 904.103, and 904.104. Change the references to these sections in § 904.101 accordingly.

2. In the new § 904.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 904.102 (d)) to the new § 904.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Delete paragraph (b) from § 904.112 and renumber paragraphs (c) and (d) as (b) and (c).

5. Amend the table of standard weights in § 904.141 to provide the following standard weights for flavored milk and flavored skim milk, minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10577; Filed, Sept. 29, 1952; 8:54 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 20, 1952 (17 F. R. 8458), notice that the market administrator under Order No. 34, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area (7 CFR Part 934), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 934.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 34, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 34, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 934.102 and renumber §§ 934.103, 934.104, and 934.105 as §§ 934.102, 934.103, and 934.104. Change the references to these sections in § 934.101 accordingly.

2. In the new § 934.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 934.102 (d)) to the new § 934.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 934.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10576, Filed, Sept. 29, 1952; 8:54 a. m.]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendment thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1952. Any delay beyond October 1, 1952, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the North Texas marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective October 1, 1952 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 943.51 (a) (3) and substitute therefor the following:

(3) For each of the months of October 1952 through February 1953 the amount to be added to the basic formula price shall be $2.66 in lieu of $2.20, and for the month of March 1953 such amount shall be $2.43 in lieu of $2.20.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of September 1952, to be effective on and after the 1st day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10616; Filed, Sept. 30, 1952; 8:53 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 20, 1952 (17 F. R. 3458) notice that the market administrator under Order No. 96, regulating the handling of milk in the Springfield, Massachusetts, marketing area (7 CFR Part 996), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 996.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 96, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 96, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 996.102 and renumber §§ 996.103, 996.104, and 996.105 as §§ 996.102, 996.103, and 996.104. Change the references to these sections in § 996.101 accordingly.

2. In the new § 996.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 996.102 (d)) to the new § 996.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 996.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	70.0

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10574; Filed, Sept. 29, 1952; 8:54 a. m.]

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 9, 1952 (17 F. R. 8459) notice that the market administrator under Order No. 99, regulating the handling of milk in the Worcester, Massachusetts, marketing area (7 CFR Part 999), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 999.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 99, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 99, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 999.102 and renumber §§ 999.103, 999.104, and 999.105 as §§ 999.102, 999.103, and 999.104. Change the references to these sections in § 999.101 accordingly.

2. In the new § 999.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)."

3. Add the following paragraph (now § 999.102 (d)) to the new § 999.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 999.141 to provide the following standard weights for flavored milk and flavored skim milk, minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	70.0

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 743, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10575; Filed Sept. 29, 1952; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 13]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASE

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMIA

Pursuant to the authority conferred by sections 1 and 3 of the Act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;
Talbot County in Georgia;
Cook and St. Clair Counties and Oswego Township in Kendall County in Illinois;
City of Baltimore in Maryland;
Burlington, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;
New York County and Clarkstown Township in Rockland County, in New York;
Oklahoma County in Oklahoma;
Townships 1 and 2 North, Range 1 East of Willamette Meridian, in Multnomah County in Oregon.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Talbot County in Georgia;
St. Clair County and Oswego Township in Kendall County in Illinois;
City of Baltimore, in Maryland.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 8322) apply with respect to shipments of swine and carcasses, parts and offal of swine from those localities.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Muscogee County in Georgia;
Sedgwick County in Kansas;
Kaw Township in Jackson County in Missouri;
Ashland, Benson, Florence, Loveland, May, McHugh, Moorhead, Omaha, Ralston, and Union Townships in Douglas County; Platte Township in Dodge County; and Alda Township in Hall County in Nebraska.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 8322) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 24th day of September 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10553; Filed, Sept. 29, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 866]

NORTH DAKOTA

RESERVING CERTAIN PUBLIC LAND AS ADDITION TO UPPER SOURIS NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Subject to valid existing rights, the following-described public land in North Dakota is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved as an addition to the Upper Souris National Wildlife Refuge, established by Executive Order No. 7161 of August 27, 1935, on public lands and lands acquired by the United States pursuant to the provisions of the Migratory Bird Conservation Act (45 Stat. 1222; 16 U. S. C. 715–715d, 715e, 715f–715k, 715l–715r):

FIFTH PRINCIPAL MERIDIAN

T. 159 N., R. 85 W.,
Sec. 15, SW¼SE¼.

The area described contains 40 acres.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10526; Filed, Sept. 29, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 13523]

PART 132—POWER BRAKES AND DRAWBARS

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

Upon consideration of request on behalf of respondents for an extension of time beyond December 31, 1952, within which to equip non-interchange cars used in freight service with powed brakes and appliances as required by the order heretofore entered herein on September 21, 1945, as amended, and good cause appearing therefor:

It is ordered, That said order of September 21, 1945, as amended, be, and it is hereby, further amended so as to require that all said non-interchange cars that may be used in transporting revenue freight and all cabooses shall be so equipped on or before December 31, 1953, and that all other said non-interchange cars shall be so equipped on or before December 31, 1954.

Dated at Washington, D. C., this 24th day of September A. D. 1952.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10541; Filed, Sept. 29, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For order reserving certain public lands in North Dakota as an addition to the Upper Souris National Wildlife Refuge, thereby amending the tabulation in § 17.3, see Public Land Order 866 in the Appendix to Title 43, Chapter I, *supra.*

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 19]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURE

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range-final approach (ft.)	Station to airport		Field elevation (ft.)	Ceiling and visibility minimum					If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
					Magnetic bearing (degs.)	Distance (mi.)			Day		Night		
									Ceiling (ft.)	Visibility (mi.)	Ceiling (ft.)	Visibility (mi.)	
BAKERSFIELD, CALIF. Bakersfield-Kern County Airport No. 1 239 kc; BFL; SBMRAZ-DTV	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt. NW—1,600′ (Famosa FM) (Final)	NW	10 mi—2,000′ W side NW crs 15 mi—2,000′ W side NW crs 20 mi—2,000′ W side NW crs 25 mi—2,000′ W side NW crs	1,600	141	2.0	515	R A T*	700 800 300	2.0 2.0 1.0	700 800 300	2.0 2.0 1.0	Turn right (west) and climb to 3,000′ on NW crs within 25 mi, or as directed by ATC. *Take-offs or landings on Rwys 7 or 25 Not Authorized. NOTE: Deviation in terrain clearance for procedure turn minimums authorized; also for altitude over range on final approach.
MIAMI, FLA. Miami International Airport 365 kc; MIA; SBRAZ-DTV	E—Min. en route alt. SE—Min. en route alt. W—Min. en route alt. W—600′ (Krome FM) (Final) N—Min. en route alt.	W	10 mi—1,100′ S side W crs 15 mi—1,100′ S side W crs 20 mi—1,100′ S side W crs 25 mi—1,100′ S side W crs	600	85	5.7	9	R (R) S* A T	600 600 500 800 300	1.5 1.0 1.0 2.0 1.0	600 600 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,400′ on E crs, or as directed by ATC. *Runway 9R.
NEW YORK, N. Y. New York International Airport (Using Idlewild LFR) 379 kc; IDL; SMRA	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. SW—700′ (SE crs Newark LFR) (Final) NW—Min. en route alt.	SW	10 mi—1,200′ E side SW crs 15 mi—1,200′ E side SW crs 20 mi—1,500′ E side SW crs 25 mi—1,500′ E side SW crs	700	40	2.9	12	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to at least 500′ on NE crs of Idlewild LFR, then turn right, climbing on crs of 130° intersecting the SW crs of Mitchel LFR, continue climbing to 1,500′ outbound on the SW crs of Mitchel LFR, or as directed by ATC. *Runway 4R.
SHREVEPORT, LA. Greater Shreveport Airport 230 kc; SHV; SBRAZ-DTV	E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. NW—Min. en route alt. NW—800′ (Dixie FM & Rbn) (Final)	NW	10 mi.—1,700′ *E side NW crs 15 mi.—1,700′ *E side NW crs 20 mi.—1,700′ *E side NW crs 25 mi.—1,700′ *E side NW crs	860	192	8.5	251	R A T	600 800 300	2.0 2.0 1.0	600 800 300	2.0 2.0 1.0	Turn left, climb to 1,500′ on crs of 135°, intersect and proceed S on S crs of LFR within 25 mi, or as directed by ATC. *Deviation from standard criteria authorized in direction of procedure turn due to ATC.
Downtown Airport	E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. NW—Min. en route alt. NW—800′ (Dixie FM & Rbn) (Final)	NW	10 mi—1,700′ #E side NW crs 15 mi—1,700′ #E side NW crs 20 mi—1,700′ #E side NW crs 25 mi—1,700′ #E side NW crs	800	152	1.8	179	R (R) S* A T	600 600 600 NA 300	1.5 1.0 1.0 --- 1.0	600 600 600 NA 300	1.5 1.5 1.5 --- 1.0	Climb to 1,500′ on S crs, or as directed by ATC. *Runway 13. #Deviation from standard criteria authorized in direction of procedure turn due to ATC. NOTE: No weather reporting service or communications available at this arpt.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range-final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)		Ceiling and visibility minimum: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
TOPEKA, KANS. Forbes AFB 269 kc; TOE; MRAWZ	NE—Min. on route alt. SE—Min. on route alt. SW—Min. on route alt. NW—Min. on route alt.	SW	10 mi—2,300′ W side SW crs 15 mi—2,300′ W side SW crs 20 mi—NA** 25 mi—NA**	1,800	32	3.5	1,078	R S* A T	500 500 1,500 300	1.5 1.0 3.0 2.0	500 500 1,500 300	#1.5 #1.5 #3.0 3.0	Make climbing right turn to cross Forbes LFR at 2,500′, proceed out-boundat 2,500′, on left side of NW crs within 25 mi, or as directed by ATO. *Runway 3. #No runway lights on Rwy 3/21. **Procedure turn beyond 15 mi Not Authorized due to Osage City Danger Area. NOTE: This facility should be used with caution—no standby transmitter available.
WILLOW GROVE, PA. Johnsville NAS 391 kc; NXX; SMRLZ	NE—MEA (E crs Allentown LFR) SE—Min. on route alt. SE—2,000′ (NE crs Philadelphia LFR) SW—MEA (E crs Harrisburg LFR) NW—Min. on route alt. NW—2,000′ (SW crs Allentown LFR)	NW	10 mi—2,000′ N side NW crs 15 mi—2,000′ N side NW crs 20 mi—2,000′ N side NW crs 25 mi—2,000′ N side NW crs	1,220	164	2.2	367	R S A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Make climbing right (west) turn, climb to 1,000′ on SW crs.
WINSLOW, ARIZ. Winslow Airport 250 kc; INW; SBRAZ-DTV	N—Min. on route alt. E—Min. on route alt. E—7,000′ (Joseph City FM) S—Min. on route alt. W—Min. on route alt.	E	10 mi—7,000′ S side E crs 15 mi—7,000′ S side E crs 20 mi—7,000′ S side E crs 25 mi—7,000′ S side E crs	5,440	100	1.5	4,037	R (R) A T	600 500 800 300	2.0 2.0 2.0 1.0	600 500 800 300	2.0 2.0 2.0 1.0	If not contact over LFR, climb to 7,000′ on E crs within 25 mi, or as directed by ATO.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (degs)	Distance (mi.)	Minimum altitude (ft.)	Final approach course (degrees) (inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)		Minimums: Ceiling (ft.)	Minimums: Visibility (miles)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
DOVER, DEL. Dover AFB 260 kc; DOV; HW	(All directions—MEA from primary fixes)					314 134	10 mi—1,600′ E side course 15 mi—NA 20 mi—NA 25 mi—NA	760	2.2	23	R (R) S* A T	(00) (00) (00) 1,(00) (BCOB) (00)	1.5 1.0 1.0 2.0 1.0	Climb to 1,600′ on crs of 314° within 10 mi of Rbn, or as directed by ATO. *Runway 31.
	Int. SW crs Millville LFR & 134° bearing to Rbn	Rbn	134	9.0	1,500									
KANSAS CITY, KANS. Fairfax Field 210 kc; MK; LOM 291 kc; KC; LMM	(All directions—MEA from primary fixes)					184 4	10 mi—2,(00)′ W side course 15 mi—2,(00)′ W side course 20 mi—2,(00)′ W side course 25 mi—2,(00)′ W side course	2,(00) (over LOM)	(0.4°, 4.4 (LOM to Bluff FM)	746	R (R) A T	700 700 800 300	1.5 1.0 2.0 1.0	If contact not established within 4.4 mi after passing LOM, or at Bluff FM, immediately turn right, climb to 2,(00)′ on crs of 275° outbound from Kansas City LFR, or as directed by ATO. #Course and distance from Bluff FM to airport: 223°, 0.8 miles. CAUTION: (1) 1,422′ msl obstructions located 2.5 miles SE of airport—adhere strictly to pull-up procedure. (2) 911′ msl cracking plant and 853′ msl stack, 0.5 miles ESE of approach end of Rwy 35. (3) 1,070′ msl TV tower, 4.5 miles SSE of airport. NOTE: Deviation from standard criteria authorized in missed approach procedure.
	Kansas City LFR	LOM	39	4.8	2,500									
	Linkville FM	LOM	124	10.1	2,500									
	Liberty FM & Rbn	LOM	240	12.1	2,500									
	Kansas City VOR	LOM	154	4.5	2,500									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to station					Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (miles)	
ONTARIO, OREG. Ontario Airport 305 kc; ONO; BMH-DTV	(All directions—MEA from primary fixes)					320 140	10 mi—4,000' E side course 17 mi—4,000' E side course 20 mi—NA 25 mi—NA	3,200	On arpt.	2,190	R * A T	1,000 1,000 1,000 300	1.0 2.0 2.0 1.0	Turn right, climb to 9,000' on crs of 110° within 25 mi of Rbn, or as directed by ATC. *Night minimums. NOTE: Minima approved for acft with stall speeds of 75 mph or less only.
	Payette FM	Rbn	192	9.5	5,000									
	Int. 121° bearing to Boise LFR & 280° bearing to Rbn	Rbn	280	25.0	6,000									
FRESNO, CALIF. Fresno Air Term. 266 kc; FN; LOM	(All directions—MEA from primary fixes)					288 108	10 mi—1,700' S side course 15 mi—NA 20 mi—NA 25 mi—NA	1,000	4.44	331	R (R) S+ A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500' on crs of 288°, turn left and climb to 2,000' on W crs of Fresno LFR within 20 mi, or as directed by ATC. *When approaching from Bowles FM, execute left turn of 265° at LOM to intercept outbound crs of 108°. #Procedure turn S side of crs due to terrain. +Runway 29.
	Fresno LFR	LOM	71	11.0	1,700									
	Bowles FM*	LOM	15	12.0	1,700									
	Fresno VOR	LOM	55	8.0	1,700									
MIAMI, FLA. Miami International Airport 227 kc; MI; LOM	(All directions—MEA from primary fixes)					85 265	10 mi—1,100' N side course 15 mi—1,100' N side course 20 mi—1,100' N side course 25 mi—1,100' N side course	600	4.4	9	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,400' on crs of 85° within 25 mi of LOM, or as directed by ATC. *Right turn from the S or left turn from the N from Miami LFR to LOM not authorized #Runway 9R. NOTE: Deviation authorized in direction of procedure turn to avoid possible traffic confliction with Tamiami Airport.
	Miami LFR*	LOM	85	1.5	1,100									
	Miami VOR	LOM	263	1.0	1,100									
	Krome FM (Final)	LOM	91	10.0	600									
OKLAHOMA CITY, OKLA. Will Rogers Field 219 kc; OK; LOM	(All directions—MEA from primary fixes)					350 170	10 mi—2,600' E side course 15 mi—2,600' E side course 20 mi—2,600' E side course 25 mi—2,600' E side course	2,500	4.77	1,283	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 3,000' on crs of 350° within 25 mi of LOM, or as directed by ATC. *Runway 35.
	Int. N. crs Okla. Cy LFR & 170° bearing to LOM	LOM	170	17.0	2,500									
	Washington FM	LOM	334	15.0	2,500									
	Mustang FM	LOM	106	11.0	2,500									
	Oklahoma Cy LFR	LOM	149	6.0	2,500									
	OKLAHOMA Cy VOR	LOM	150	10.0	2,500									
	Int. SW crs Tulsa LFR & E crs Okla. Cy. LFR	LOM	243	25.0	2,700									
SHREVEPORT, LA. Greater Shreveport Airport 219 kc; SH; LOM	(All directions—MEA from primary fixes)					135 315	10 mi—1,400' W side course 15 mi—1,400' W side course 20 mi—1,400' W side course 25 mi—1,400' W side course	1,400	4.3	251	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500' on crs of 135° within 20 mi of LOM, or as directed by ATC. *Runway 13.
	Shreveport VOR	LOM	183	19.0	1,700									
	Dixie Rbn	LOM	181	14.0	1,400									
	Shreveport LFR	LOM	225	8.0	1,400									
	Int. 339° bearing to Shreveport LFR & 53° bearing to Barksdale LFR	LOM	300	12.0	1,400									
	Int. W crs Shreveport LFR & 135° bearing to LOM (Final)	LOM	135	8.0	1,400									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS				Final ILS approach course; degrees in-bound; out-bound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)					Outer	Middle	Outer	Middle			Ceiling (ft.)	Visibility (mi.)	
CINCINNATI, OHIO Greater Cincinnati Airport. (Procedure No.1) Freq. 109.0 mc Ident. CVG	Int. NW crs Cincinnati LFR & N crs ILS.	LOM	180	23	2,300	S 360 180	2,000'—E side S crs	2,000	2,000	1,060	4.50	0.60	890	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,300' on N crs ILS to NW crs Cincinnati LFR, or as directed by ATO. *Runway 36.
	Union FM	LOM	360	5	2 000												
	Cincinnati LFR	LOM	235	21	2,400												
	Int. SW crs Cincinnati LFR & 320° bearing to LOM	LOM	320	3	2,000												
	Cincinnati VOR	LOM	142	3	2,000												
(Procedure No. 2- Using Back Course ILS Localizer)	Int. NW crs Cincinnati LFR & N crs ILS	Addyston Marker	180 189	11.5	2,100	N 180	2,100'—W side N crs (within 5 mi.)	1,600 (over Addyston Mrkr)	•	•	5.8 (from Addyston Mrkr)		890	R (R) S∅ A T	500 500 400 800 300	1.5 1.0 1.0 2.0 1.0 ∅	Proceed to ILS middle compass locator, climb to 2,000' on crs of 240° within 15 mi of LMM, or as directed by ATO. •This procedure not premised on use of glide path. Runway 18.
	Int. NW crs Cincinnati LFR & N crs ILS	Addyston Marker (Final)	180	11.5	1,600												
	Int. SW crs Cincinnati LFR & S crs ILS	Addyston Marker	360	16.5	2,300												
	Cincinnati VOR	Addyston Marker	12	9.0	2,300												
ONTARIO, CALIF. Ontario International Airport Freq. 108.3 mc Ident. ONT	Ontario VOR	LMM	348	8.2	•2,500	E 233 75	3,500'—S side E crs (NA beyond 10 mi—N crs Riverside LFR)	2,740	2,120	1,140	4.60	0.60	952	R (R) S+ A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 4,000' and hold E of the Int. W crs ILS & NE crs Long Beach LFR in a non-standard 2 min pattern, or as directed by ATO. •Must be on top, with tops at Ontario not above 5,000' msl. ∅When tops are 5,000' or below, transition from Riverside LFR to Int. E crs ILS authorized at 5,000', with straight-in approach to Ontario International Airport authorized from on top at glide path intercept. When tops are above 5,000', use procedure outlined in Note O. O When established on localizer crs westbound, descend westbound and make S procedure turn between LMM and Int. W crs ILS & NE crs Long Beach LFR at not below 4,000'. Reverse LOM eastbound at not below 3,500'. +Runway 25. CAUTION: High terrain N—all maneuvering on S side of localizer course.
	Fontana FM	LMM	221	13.0	•5,000												
	Downey FM & Rbn	W crs ILS	65	21.0	•2,500												
	Int. N crs Riverside LFR & E crs ILS	LOM	235	9.5	O10,000												

4. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VHF OMNIRANGE (VOR) PROCEDURES

Station; frequency; identity; class	Initial approach to VOR station				Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach (ft.)	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
ALBANY, N. Y. Albany Airport 116.0 mc; ALB; BVOR (Procedure No. 1)	(Initial approaches from primary fixes from any direction—MEA)				190 10	1,600'—W side crs (within 20 mi) 1,800'—within 25 mi.	*1,100	On arpt.	288	R (R) S# A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,000' on crs of 195°, turn right and proceed out crs of 253° climbing to 3,000', or as directed by ATC. *If position over Albany LFR not positively identified by both visual and aural means on final approach, descent below 1,100' Not Authorized. #Runway 19. NOTE: Deviation from standard criteria authorized for straight-in minimums.
	Saratoga Springs FM	207	25.0	1,600									
	Round Lake FM (Final)	190	13.0	1,100									
	Albany LFR (Final)	190	2.5	*									
(Procedure No. 2)	(Initial approaches from primary fixes from any direction—MEA)				10 190	2,200'—E side crs	1,700 (over Delmar FM)	5.4 (from Delmar FM)	288	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	*Climb to 3,000' on crs of 10° within 25 mi of VOR. Alternate procedure: (when directed by ATC), climb to 3,000' on crs of 293°. *Runway 1. NOTE: Deviation from standard criteria authorized for initial approach and procedure turn.
	Saratoga Springs FM	207	25.0	2,200									
	Coxsackie FM (Final)	10	25.0	1,700									
BAKER, OREG. Baker Airport 115.3 mc; BKE; BVOR	Baker, LFR	114	1.7	9,000	116 296	7,000'—*E side crs (within 10 mi—NA beyond 10 miles.)	5,060	0	3,368	R ** A T **	1,700 1,700 1,700 1,000 1,000	1.0 2.0 2.0 1.0 2.0	Make climbing left turn, climb to 10,000' # on crs of 296° within 25 mi of VOR, or as directed by ATC. *Procedure turn W side NA due to high terrain. **Night minimums. #Climb to 7,000' within 10 mi of VOR. SHUTTLE: To 8,000' on crs of 125° outbound, 305° inbound within 10 mi. All turns to E. CAUTION: 5,100' terrain, 6 mi SE of airport.
BAKERSFIELD, CALIF. Bakersfield-Kern County Airport No. 1 115.4 mc; BFL; BVOR	(Initial approaches from primary fixes from any direction—MEA)				131 311	2,000'—W side crs	1,600	4.4	515	R A T*	700 800 300	2.0 2.0 1.0	Turn right, climb to 2,000' on crs of 320° within 25 mi of VOR, or as directed by ATC. *Take-offs or landings on Rwy 7/25 Not Authorized.
	Famosa FM (Final)	140	8.0	1,600									
	Bakersfield LFR	299	3.0	2,000									
BOISE, IDAHO Boise Air Terminal 113.3 mc; BOI; BVOR	(Initial approaches from primary fixes from any direction—MEA)				96 276	4,100'—S side crs	3,600	4.0	2,858	R * (R) S# A T	600 700 600 500 800 300	1.5 1.5 1.0 1.0 2.0 1.0	Make right climbing turn, climb to 9,000' on crs of 289° within 25 mi of VOR, or as directed by ATC. SHUTTLE: To 4,100' on crs of 276° outbound, 96° inbound within 25 mi of VOR. All turns to S. *Night minimums. #Runway 10L.
	Boise LFR	255	2.1	4,100									
	Eagle FM	127	10.1	4,100									
	Boise LOM	206	0.2	4,100									
BURLEY, IDAHO Burley Airport 114.1 mc; BYI; BVOR	(Initial approaches from primary fixes from any direction—MEA)				103 283	6,000'—S side crs	4,800	5.3	4,150	R * A T *	600 600 800 500 500	1.0 2.0 2.0 1.0 2.0	Make climbing left turn, climb to 7,000' on crs of 277° within 25 mi of VOR, or as directed by ATC. *Night minimums.* NOTE: Minima authorized for acft with stall speeds of 75 mph or less only.
	Burley LFR	251	7.1	7,000									
EUGENE, OREG. Mahlon Sweet Airport 112.9 mc; EUG; BVOR	(Initial approaches from primary fixes from any direction—MEA)				159 339	3,000'—*E side crs (within 15 mi—NA beyond 15 miles)	1,500	4.4	365	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Make climbing right turn, climb to 3,000' on crs of 347° within 25 mi of VOR, or as directed by ATC. *Procedure turn on W side NA due to high terrain. #Runway 16.
	Eugene LFR	45	0.8	3,000									
	Int. N crs Eugene LFR & 159° bearing to VOR	159	2.5	3,000									
GOODING, IDAHO Gooding Airport 115.9 mc; GNG; BVOR	(Initial approaches from primary fixes from any direction—MEA)				63 243	5,000'—S side crs (within 20 mi—NA beyond 20 miles)	4,320	4.5	3,729	R * (R) * A T	500 500 500 500 800 300	1.5 2.0 1.0 2.0 2.0 1.0	Turn right, climb to 7,000' on crs of 96° within 25 mi of VOR, or as directed by ATC. *Night minimums.
	Gooding Rbn	245	5.0	6,000									

AUTOMATIC DIRECTION FINDING PROCEDURE—Continued

Station; frequency; identity; class	Initial approach to VOR station				Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach (ft.)	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
LOVELOCK, NEV. CAA Int. Field 114.7 mc; LOL; BVOR	(Initial approaches from primary fixes from any direction—MEA)				165 345	7,500'—*E side crs (within 15 mi—NA beyond 15 miles)	5,800	220°, 5.0	3,906	R (R) A T	800 700 800 300	1.5 1.0 2.0 1.0	Turn left immediately and return to stn on crs of 40°, climbing to 7,500' on crs of 345° within 15 mi and recross stn southbound at a minimum of 9,000'. *Procedure turn right for more suitable terrain. SHUTTLE: To 8,500' on crs of 345° outbound, 165° inbound within 15 miles.
	Int. 231° bearing to VOR & N crs Lovelock LFR	231	17.0	9,000									
	Int. NW crs Fallon LFR & NE crs Reno LFR	35	35.0	9,000									
MALAD CITY, IDAHO Malad City Airport 117.5 mc; MLD; VORW	(Initial approaches from primary fixes from any direction—MEA)				03 273	9,500'—S side crs (within 15 mi—NA beyond 15 miles)	9,000	87°, 8.6	4,503	R* A* T*	3,000 3,000 3,000	3.0 3.0 3.0	Make climbing left turn, climb to 11,000' on crs of 273° within 25 mi of VOR, or as directed by ATC. *Night operations not authorized. CAUTION: High terrain in all directions.
	Malad City LFR	244	5.8	11,000									
MARTINSBURG, W. VA. Martinsburg Airport 113.2 mc; MRB; BVOR	(All directions—MEA)				230 100	2,500'—N side crs (within 15 mi) 3,000'—within 25 mi	2,300	7.1	556	R A T	600 800 300	2.0 2.0 1.0	Climb to 4,000' on crs of 230° within 25 mi of VOR or as directed by ATO.
MEDFORD, OREG. Medford Airport 116.9 mc; MFR; BVOR	(Initial approaches from primary fixes from any direction—MEA)				153 333	6,000'—E side crs (procedure turn W side NA due to high terrain)	*5,500 (Trail FM) *4,600 (Medford VOR)	141°, 7.3	1,330	R A T	1,000 1,000 300	2.0 2.0 1.0	Make climbing right turn, climb to 6,500' on crs 333° within 25 mi of VOR, or as directed by ATC. *If Trail FM not received, cross VOR at 5,500'; cross airport at 4,600'. ‡Climb to 5,500' within 10 mi. of VOR.
	Medford LFR	307	5.2	6,000									
	Trail FM (Final)	153	9.1	4,000									
MIAMI, FLA. Miami International Airport 113.5 mc; MIA; BVOR	(Initial approaches from primary fixes from any direction—MEA)				80 260	1,100'—S side crs	600	3.3	9	R (R) S* A T	500 500 700 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,400' on crs of 85° within 25 mi of VOR. *Runway 9R.
	Miami LFR (Final)	83	2.7	600									
ONTARIO, ORE. Ontario Airport 114.6 mc; ONO, BVOR	(Initial approaches from primary fixes from any direction—MEA)				320 140	4,000'—E side crs (within 15 mi.-NA beyond 15 miles)	3,200	2.4	2,160	R * A T	600 600 800 300	1.0 2.0 2.0 1.0	Make climbing right turn, climb to 9,000' on crs of 167° within 25 mi. of VOR, or as directed by ATC. *Night minimums. SHUTTLE: To 4,000' on crs of 140° outbound, 320° inbound within 15 mi. of VOR. All turns to E. NOTE: Minima authorized for acft with stall speeds of 75 mph or less only.
	Payette FM	141	11.5	5,000									
	Eagle FM to Int. 320° bearing to VOR	237	22.0	6,000									
OTTO, N. MEX. CAA International Field 114.0 mc; OTO; BVOR	(Initial approaches from primary fixes from any direction—MEA)				250 70	8,500'—N side crs (within 10 mi—NA beyond 10 mi)	7,600	3.4	6,223	R A T	600 800 300	1.0 2.0 1.0	Turn left, climb to 9,500' on crs of 74° within 25 mi of VOR, or as directed by ATC. SHUTTLE: To 8,500' on crs of 70° outbound, 250° inbound within 10 mi. NOTE: (1) Minima authorized for acft with stall speeds of 75 mph or less only, (2) deviation authorized in direction of missed apch.
	Int. 21° bearing to Las Vegas VOR & 251° bearing to Otto VOR	201	10.0	8,500									
PENDLETON, ORE. Pendleton Airport 112.7 mc; PDT; BVOR	(Initial approaches from primary fixes from any direction—MEA).				71 251	3,500'—N side crs (procedure turn on S side NA due to high terrain)	2,600	4.5	1,493	R (R) S* A T	600 600 800 800 300	1.5 1.0 1.0 2.0 1.0	Make climbing left turn, climb to 4,000' on crs of 251° within 25 mi of VOR, or as directed by ATC. *Runway 7.
	Pendleton LFR	252	7.3	4,000									
	Cabbage Hill FM	252	18.3	4,000									
	Int. S crs Walla Walla LFR & 241° bearing to VOR.	241	22.0	3,500									
PLATTSBURG, N. Y. Plattsburg Airport 112.9 mc; PLB; BVOR-DTV	(All directions—MEA)				230 50	1,500'—N side crs (within 15 mi—NA beyond 15 mi.)	1,000	9.0	375	R A T	600 800 300	1.5 2.0 1.0	Make a climbing left turn and climb to 1,500' returning to VOR, or as directed by ATC. SHUTTLE: To 2,000' on crs of 50° outbound, 230° inbound within 15 miles.

AUTOMATIC DIRECTION FINDING PROCEDURE—Continued

Station; frequency; identity; class	Initial approach to VOR station: From—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach (ft.)	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
POCATELLO, IDAHO Phillips Field 114.9 mc; PIH; BVOR	(Initial approaches from primary fixes from any direction—MEA)				70 250	6,000'—N side crs (procedure turn on S side NA due to high terrain)	5,400	31°, 3.6	4,448	R * (R) * A T	600 600 500 500 800 300	1.5 2.0 1.0 2.0 2.0 1.0	Make climbing left turn, climb to 7,000' on crs of 234° within 25 mi of VOR, or as directed by ATC. *Night minimums.
	Pocatello LFR	213	3.5	7,000									
PORTLAND, OREG. Portland International Airport 117.4 mc; PDX; BVOR	(Initial approaches from primary fixes from any direction—MEA)				151 331	3,000'—W side crs (within 10 mi) 4,000'**—within 25 mi	2,000	163°, 10.5	23	R# ## (R)# A# T	600 700 600 800 300	1.5 1.5 1.0 2.0 1.0	Make climbing right turn, climb to 3,000'* on crs of 174° within 25 mi of VOR, or as directed by ATC. *Climb to 2,000' within 17 mi of VOR. **Do not descend below 3,500' until past Woodland FM inbound. #If Portland LFR received; otherwise maintain and cross arpt at 1,000'. ##Night minimums. CAUTION: 1,630' msl radio tower located 17 mi S of VOR.
	Woodland FM (Final)	151	15.7	3,000									
	La Center FM (Final)	151	4.7	2,000									
	Sauvies Island Rbn	41	11.9	3,000									
	Portland LFR	342	7.1	3,000									
ROCHESTER, N. Y. Rochester Airport 117.8 mc; ROC; BVOR	(All directions—MEA)				120 300	1,000'—S side crs	1,160	0	558	R (R) A T	600 600 800 300	1.5 1.0 2.0 1.0	Climb to 2,000' on crs of 120° within 25 mi of VOR, or as directed by ATC. NOTE: Take-offs on Rwy 12 and landings on Rwy 30 not authorized.
SEATTLE, WASH. Boeing Field 113.9 mc; SEA; BVOR	(Initial approaches from primary fixes from any direction—MEA)				338 158	2,000'—E side crs (within 14 mi-NA beyond 14 mi)	1,600	346°, 5.8	17	R A T	800 800 300	2.0 2.0 1.0	Climb to 2,000' on crs of 338° within 25 mi of VOR, or as directed by ATC.
	Hobart FM	266	16.3	4,000									
	Int. NW crs Seattle LFR & 158° bearing to VOR	158	7.0	2,000									
	Seattle LFR	193	4.6	2,000									
	Lakeview FM to Int. 338° bearing to VOR (Final).	27	3.8	1,600									
Seattle-Tacoma International Airport	(Initial approaches from primary fixes from any direction—MEA)				338 158	2,000'—E side crs (within 10 mi-NA beyond 10 mi)	1,600 (over Seattle LOM)#	338°, 4.6 (from LOM) 0 (from VOR—on fld)	416	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 3,000' on crs of 338° within 25 mi of VOR, or as directed by ATC. *Runway 34. **Maintain 1,600' until past LOM inbound on 338° bearing. #Seattle LOM: Freq. 224 kc, Ident. SE.
	Int. NW crs Seattle LFR & 158° bearing to VOR	158	7.0	2,000									
	Seattle LFR	193	4.6	2,000									
	Hobart FM	266	16.3	4,000									
	Lakeview FM to Int. 338° bearing to VOR (Final)	27	3.8	1,600**									
SPOKANE, WASH. Geiger Field 115.5 mc; GEG; BVOR	(Initial approaches from primary fixes from any direction—MEA)				26 206	4,000'—S side crs	3,700	5.1	2,372	R * (R) * S# A T	500 600 500 600 500 800 300	1.5 1.5 1.0 1.0 1.0 2.0 1.0	Make climbing left turn, climb to 5,000' on crs of 239° within 25 mi of VOR, or as directed by ATC. *Night minimums. #Runway 2.
	Spokane LFR	222	16.6	5,000									
	Spokane LOM	202	0.7	4,000									
	Spangle FM	306	13.3	4,100									
	Harrington FM to Int. of 26° bearing to VOR	75	22.6	4,000									

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These procedures shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10429; Filed, Sept. 29, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 7 to Supplementary Regulation 2, Revision 1]

GCPR, SR 2—Retail Coal Dealers

ADJUSTED CEILING PRICES; ELIMINATION OF WOOD AND WOOD PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 2, Revision 1, GCPR, permits retail coal dealers to increase their ceiling prices by various amounts as set forth hereafter. The increases result from the findings in a nationwide sample survey made of the retail coal industry under the OPS industry earnings standard and from a study of recent wage increases granted to drivers and helpers. The results of the survey show the earnings on net worth of the industry are less than 85 percent of the average of the three best years in the period 1946–49. The industry, therefore, qualifies for an adjustment of ceiling prices under the provisions of the industry earnings standard.

The earnings survey disclosed that those dealers who primarily sell anthracite and are located along the Atlantic Seaboard have suffered a greater reduction in their earnings on net worth than those whose sales are predominantly bituminous coals, and accordingly, a greater increase is allowed the anthracite dealers. As there are many dealers who handle both types of fuel irrespective of their location, OPS has determined that the increase should be permitted on the type of solid fuel sold rather than the geographical location of the seller. The adjustment figure includes an allowance for recent wage increases. Dealers' payrolls have shown substantial increases, largely as a result of driver and helper pay raises and recognition has been given to these wage increases in the ceiling price adjustment in order to reflect present conditions.

In determining the increase to be allowed on solid fuels other than anthracite and bituminous, i. e., briquets, coke, packaged fuels, etc., which account for about 4 percent of total sales, it was found that a ceiling price increase midway between the two major fuels reflecting the average increase granted under the industry earnings standard would be justified under the standard and fair to the dealers and consumers. In the case of all solid fuels the increases allowed are approximately two percent of the selling prices.

This amendment permits all sellers of solid fuels at retail to increase their ceiling prices by the following amounts on all grades and sizes:

	Cents per net ton
Anthracite	35
Bituminous coal	25
All other solid fuels	30

The regulation is further amended by deleting from coverage wood and wood products used for fuel as the prices of these products are now provided for in SR 87, GCPR.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is further amended as follows:

1. Section 2 (c) is amended by deleting from the coverage of this supplementary regulation "and (8) wood and wood products used for fuel," so that section 2 (c) will read as follows:

(c) "Solid fuel" or "solid fuels" means: (1) Bituminous coal, including all bituminous, semi-bituminous, sub-bituminous and cannel coal; (2) lignite coal; (3) Virginia anthracite; (4) Pennsylvania anthracite; (5) all coke, including beehive, oven, low temperature, semi-distilled coal and petroleum coke; (6) all briquets and packaged fuel made from coke or coal; (7) sea coal used for foundry facings.

2. Section 3 of Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is further amended by adding a new paragraph (h) as follows:

(h) Each retail coal dealer may add to the ceiling price previously established under this supplementary regulation; (1) For each size and kind of anthracite, an amount of 35 cents per net ton; (2) For each size and kind of bituminous coal, an amount of 25 cents per net ton; (3) For all other solid fuels, an amount of 30 cents per net ton.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to SR 2, Revision 1, to the GCPR, shall become effective October 1, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10637; Filed, Sept. 23, 1952; 4:09 p. m.]

[General Ceiling Price Regulation, Supplemental Regulation 63, Amdt. 1 to Area Milk Price Regulation 33]

GCPR, SR–63—Area Milk Price Adjustments

AMPR 33—Southern New Jersey Milk Marketing Areas

MODIFICATION OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 733) this Amendment 1 to Area Milk Price Regulation 33, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), and pursuant to Delegation of Authority No. 41 (16 F. R. 12679), is hereby issued.

STATEMENT OF CONSIDERATIONS

Area Milk Price Regulation 33, effective September 4, 1952, established ceiling prices for sales of milk products for fluid consumption by processors and distributors in New Jersey Milk Marketing Areas I and II. These ceilings were established at the GCPR base period level, to which was added a uniform adjustment of one-fourth ($0.0025) cent per sales point. As stated in the Statement of Considerations accompanying AMPR 33, this adjustment was determined by examining prices in effect during the period January 1, 1950 through June 30, 1950, and adding increases and deducting decreases in costs of (1) direct labor, including distribution labor and commission, (2) cans, cases and containers and (3) raw milk and other agricultural commodities or products thereof.

On September 16, 1952, the Director of the Office of Milk Industry for the State of New Jersey, in Order No. 52–2, authorized an increase in the producer's price of Class I fluid milk from $5.87 per hundredweight to $6.07 per hundredweight, to become effective October 1, 1952. Accordingly, a petition was filed with the Regional Director of Office of Price Stabilization by a representative number of milk processors and distributors in the areas covered by AMPR 33 requesting further adjustment of prices based upon this new price to the producer.

The Regional Director has carefully examined the effect of this increase upon the price structure of processors and distributors in the light of the criteria established by Supplementary Regulation 63. Upon the basis of such examination it has been determined that an additional adjustment of three-fourths cent per sales point, effective October 1, 1952, is required to meet such criteria. This amendment therefore modifies the adjustment authorized by AMPR 33 from one-fourth cent to one cent per sales point.

In formulating this amendment the Regional Director has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply

with all the applicable statutory standards.

AMENDATORY PROVISIONS

AMPR 33 is amended in the following respects:

1. The first sentence of section 4 (a) is amended by changing the words "one-fourth ($0.0025) cent" to read "one ($0.01) cent."

2. Section 4 (b) is amended to read as follows:

(b) *Reporting of ceiling prices.* You shall report the ceiling prices resulting from the application of the uniform adjustment specified in section 4 (a) to the Regional Office of the Office of Price Stabilization, Commercial Trust Building, Philadelphia 2, Pennsylvania, by registered mail, return receipt requested, within 5 days after the effective date of this regulation. Such report must also be filed within 5 days after the affective date of any amendment hereto which modifies the adjustment authorized by section 4 (a). The report shall be filed on OPS Public Form 124, which may be obtained from the above mentioned office. Unless the required report is filed within the period specified by this paragraph you shall not thereafter sell at the ceiling price computed pursuant to this section, until such report has been received by the Office of Price Stabilization as shown by your return receipt.

3. Section 7 is amended to read as follows:

SEC. 7. *Producer prices upon which ceiling prices are based.* The producer price for Class I, Grade B Milk, 3.5 percent butterfat, upon which ceiling prices established under this regulation are based is $6.07 per hundredweight.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Area Milk Price Regulation 33, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective October 1, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH J. MCBRYAN,
Regional Director, Region III.

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10612; Filed, Sept. 26, 1952; 4:37 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 78 to Schedule A]

[Rent Regulation 2, Amdt. 76 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

CONNECTICUT AND TENNESSEE

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 30, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of September 1952.

JAMES MCL. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Connecticut				
(50) New London	B	New London and Windham	Apr. 1, 1941	July 1, 1942
	C	New London	July 1, 1951	Sept. 30, 1952
Tennessee				
(297) Waverly, Camden	A	Benton and Humphreys	Oct. 1, 1951	Oct. 1, 1952

[F. R. Doc. 52-10566; Filed, Sept. 29, 1952; 8:52 a. m.]

[Rent Regulation 1, Amdt. 79 to Schedule A]

[Rent Regulation 2, Amdt. 77 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

These amendments are issued as a result of a resolution submitted under section 204 (k) of the act by the governing body of Arlington County, Virginia.

Effective September 29, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 26th day of September 1952.

JAMES MCL. HENDERSON,
Director of Rent Stabilization.

Item 339 is added to Schedule A of Rent Regulation 1 and Rent Regulation 2, reading as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Virginia				
(339) Arlington County	B	Arlington County	Aug. 1, 1952	Sept. 29, 1952

[F. R. Doc. 52-10597; Filed, Sept. 26, 1952; 1:26 p. m]

[Rent Regulation 3, Amdt. 85 to Schedule A]

[Rent Regulation 4, Amdt. 29 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CONNECTICUT AND TENNESSEE

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 30, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of September 1952.

JAMES MCL. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(50) New London	Connecticut	New London	July 1, 1951	Sept. 30, 1952
(297) Waverly-Camden	Tennessee	Benton and Humphreys	Oct. 1, 1951	Oct. 1, 1952

[F. R. Doc. 52-10567; Filed, Sept. 29, 1952; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART I—PRACTICE AND PROCEDURE

SUSPENSION OF PROCESSING OF MUTUALLY EXCLUSIVE APPLICATIONS

In the matter of amendment of footnote 10, § 1.371 of Part I of the Commission's rules and regulations (Temporary Processing Procedure for Television Broadcast Applications).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1952:

The Commission having under consideration various means to expedite the processing of television broadcast applications in order to bring television service as rapidly as possible to areas presently without such service and to bring additional service to areas presently without a choice of television services; and

It appearing that under the existing provisions of its Temporary Processing Procedure for Television Broadcast Applications the Commission has, since July 1, 1952, designated for hearing 65 applications for new television broadcast stations and has sent pre-hearing letters to 168 applicants, and

It further appearing that the number of applications heretofore designated for hearing when added to the number of applications which have been the subject of pre-hearing letters and which are presently awaiting designation for hearing total a number sufficient to occupy the time and consideration of the Commission's hearing examiners and other staff members engaged in hearing work for many months to come; and

It further appearing that further consideration of mutually exclusive applications which cannot be granted without a hearing would, during the coming months, serve no purpose other than to create an additional backlog of hearing cases which cannot be set for hearing for some months to come; that during the coming months the Commission could spend its time more purposefully by considering non-competitive applications for television stations the grants of which, if the applicants are duly qualified, will result in the extension of television service throughout the country; and that the modification of the above Temporary Processing Procedure for a limited period of time to effectuate said purpose would serve the public interest, convenience and necessity; and

It further appearing that, while the amendment proposed herein is procedural in nature and that while the public notice and the 30 day effectuation requirements of sections 4 (a) and 4 (c) of the Administrative Procedure Act are not applicable herein, the Commission is desirous of affording interested parties reasonable notice of said modification of its existing procedure;

It is ordered, That, effective October 15, 1952, footnote 10 of § 1.371 is amended by adding after paragraph (k) the following paragraph (l) reading as follows:

(l) Commencing October 15, 1952, and until further order of the Commission, processing of mutually exclusive applications in Group A-2 and in Group B is suspended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: September 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10547; Filed, Sept. 29, 1952; 8:50 a. m.]

PART 1—PRACTICE AND PROCEDURE

SUSPENSION OF OPERATOR LICENSES

In the matter of delegation of authority to the Staff to issue orders suspending radio operator licenses and to designate suspension matters for hearing.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1952;

The Commission having under consideration the means of expediting its enforcement functions and procedures;

It appearing, that under section 303 (m) (1) of the Communications Act of 1934, as amended, the Commission has authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee has committed any of the acts listed in that section; and

It further appearing, that under section 303 (m) (2) of the act a suspension order becomes effective fifteen (15) days after the date of its receipt by the licensee unless a hearing is requested in which event the suspension order is held in abeyance pending the conclusion of such hearing; and

It further appearing, that the issuance of suspension orders of operator licenses pursuant to section 303 (m) (1) of the act and the designation of suspension matters for hearing, if one is requested pursuant to section 303 (m) (2), are functions which should be delegated to the staff in the interest of expediting enforcement procedures in connection with the administration of the rules of the Commission governing amateur and commercial operators; and

It further appearing, that the rules governing amateur operators and those governing commercial operators are administered by the Commission's Safety and Special Radio Services Bureau and Field Engineering and Monitoring Bureau, respectively:

It is ordered, Under the authority contained in section 5 (d) (1) of the Communications Act of 1934, as amended, that effective immediately (1) authority is delegated to the Chief, Safety and Special Radio Services Bureau to issue, in accordance with section 303 (m) (1) of the act, orders suspending the licenses of amateur operators and, if a hearing thereon is requested pursuant to section 303 (m) (2) of the act, to designate such matters for hearings; and (2) authority is delegated to the Chief, Field Engineering and Monitoring Bureau to issue, in accordance with section 303 (m) (1) of the act, orders suspending the licenses of commercial operators and, if a hearing thereon is requested pursuant to section 303 (m) (2) of the act, to designate such matters for hearing.

It is further ordered, Pursuant to authority granted by sections 4 (i), 303 (r) and 303 (m) of the Communications Act of 1934, as amended, that, effective immediately, § 1.404 of the Commission's rules is amended as follows:

§ 1.404 *Suspension of operator licenses.* Whenever it appears that grounds exist for suspension of an operator license, as provided in section 303 (m) of the act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, pursuant to authority delegated by the Commission, issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, Field Engineering and Monitoring Bureau, as the case may be, pursuant to authority delegated by the Commission, and said order of suspension shall be held in abeyance until the conclusion of the hearing, which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: September 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10548; Filed, Sept. 29, 1952; 8:50 a. m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO; MISCELLANEOUS AMENDMENTS

In the matter of amendment to Appendix A to Part 2 of the Commission's rules and regulations, list, for information only, of laws, treaties, agreements and arrangements relating to radio.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1952;

The Commission having under consideration Appendix A to Part 2 of its rules and regulations; and

It appearing, that the proposed change is not substantive and does not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary and that this order may be made effective immediately for the same reasons.

It is ordered, That, effective immediately, Appendix A to Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: September 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend date under title of Appendix A to read as follows: (As of August 22, 1952).

2. Add chronologically under paragraph 1 the following:

1952—Agreement between the United States of America and Canada which assigns television frequency channels to cities within 250 miles of the United States-Canadian border. Effected by exchange of notes dated April 23, 1952 and June 23, 1952. Entered into force June 23, 1952. (Not available at Government Printing Office.)

3. Amend the parenthetical note after the subject listing in paragraph 1 of "1951—Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) * * *" to read as follows: (Not available at Government Printing Office. Available from International Telecommunication Union, Geneva, Switzerland.)

4. Add chronologically under paragraph 3 the following:

1952—Agreement between the United States of America and Canada for the purpose of promoting Safety on the Great Lakes by means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Enters into force 2 years from the date of exchange of instruments of ratification. Ratified by the United States July 17, 1952. Instruments of ratification not yet exchanged. (Not available at Government Printing Office.)

5. Delete the following parenthetical note after the subject listing of "1951 * * * TIAS * * * 2366" of paragraph 1: (Not available at Government Printing Office.)

6. In paragraph 4, amend the listing

1946, 1947, 1948, 1949, 1950 | ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[1]

so that it reads as follows:

1946 to present | ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]

[F. R. Doc. 52-10546; Filed, Sept. 29, 1952; 8:50 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

1. The Commission has before it for consideration the following pleadings: "Petition to Correct Sixth Report and Order, for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company" filed April 30, 1952, by Memphis Publishing Company; "Opposition to 'Petition to Correct Sixth Report and Order, for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company'" filed May 6, 1952, by WREC Broadcasting Service; "Statement in Support of WMCT 'Petition to Correct Sixth Report, etc.'" filed May 8, 1952 by Capital Broadcasting Company; "Correction and Supplement to 'Opposition to Petition to Correct Sixth Report and Order, for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company'" filed May 8, 1952 by WREC Broadcasting Service; "Motion to Strike" filed May 8, 1952 by Memphis Publishing Company; "Answer to Motion to Strike" filed May 12, 1952, by WREC Broadcasting Service; "Petition of Memphis Publishing Company for Rehearing" filed June 20, 1952 by Memphis Publishing Company; and "Answer to 'Petition of Memphis Publishing Company for Rehearing'", filed June 25, 1952 by WREC Broadcasting Service.

2. Memphis Publishing Company is the licensee of Television Broadcast Station WMCT, Memphis, Tennessee, presently operating on Channel 4. In the "Third Notice of Further Proposed Rule Making" (FCC 51-244), issued in these proceedings, the Commission proposed to assign to Memphis VHF Channels 5, 10, and 13, and UHF Channels 42 and 48, with Channel 10 reserved for noncommercial educational use. Since Channel 4 was no longer proposed to be assigned to this community, Memphis Publishing Company was ordered to show cause why its license should not be modified to specify operation of WMCT on Channel 5 in lieu of Channel 4. No opposition to the Show Cause Order was filed by Memphis Publishing Company. On the basis of the record in these proceedings, the Commission in its "Sixth Report and Order", adopted April 11, 1952, and released April 14, 1952 (FCC 52-294) assigned VHF Channels 3, 5, 10, and 13 and UHF Channels 42 and 48 to Memphis, with Channel 10 reserved for noncommercial educational use. With respect to the WMCT Show Cause Order, the Commission concluded that "An appropriate authorization will be issued to Memphis Publishing Company to specify operation of WMCT on Channel 5."

3. On April 16, 1952, WREC Broadcasting Service filed an amended application for a permit to construct a television broadcast station on Channel 3 in Memphis (BPCT-452).

4. In the Third Notice the Commission proposed to assign to Nashville, Tennessee, VHF Channels 2, 4, and 8 and UHF Channels 30 and 36. A joint counterproposal by WLAC Broadcasting Station and WSIX Broadcasting Service, and a counterproposal by Capital Broadcasting Company, were filed requesting the additional assignment of VHF Channel 5 to Nashville. The Commission in its Sixth Report found that "the assignment of Channel 5 to Nashville is in accordance with our standards" and granted the counterproposals requesting this assignment. The Commission therefore in its Sixth Report assigned Channel 5 to Nashville in addition to the assignments as proposed in the Third Notice.

5. In its "Petition to Correct the Sixth Report and Order for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company" filed April 30, 1952, Memphis Publishing Company requests that the Order to Show Cause directed to petitioner be amended so as to specify operation of Station WMCT on Channel 3 rather than Channel 5, and that the Sixth Report and Order be corrected accordingly. In support of its request petitioner alleges that "The Commission's conclusion to finalize the allocation of VHF Channel 5 to Nashville, Tennessee was based upon the finding of fact that 'the assignment of Channel 5 to Nashville meets the Commission's standards for minimum separation of co-channel and adjacent channel stations'". It is asserted by petitioner that this conclusion is in error for the reason that the distance from the authorized transmitter site of WMCT to Nashville is only 187.6 miles; whereas the minimum co-channel separation for Zone II assignments is 190 miles. Petitioner submits that Station WMCT can be shifted to VHF Channel 3, which has also been assigned to Memphis, and that the operation of WMCT on Channel 3 would meet all minimum spacing requirements.

6. In its "Opposition" to the foregoing petition filed May 6, 1952, WREC Broadcasting Service requests that the said petition be dismissed or denied. WREC Broadcasting Service asserts that the petition "Is an attempt to circumvent the prohibition against petitioner filing an application for a different television channel than the one assigned to petitioner as a result of the Show Cause

Order or the Third Notice of Further Proposed Rule Making." WREC contends that since the Commission in the Third Notice proposed a co-channel transmitter-to-transmitter separation of only 170 miles and a city-to-city separation of only 180 miles, the operation of a television station at Nashville on Channel 5 would be "greater than the separation proposed to be adopted pursuant to the aforesaid Third Notice and which petitioner accepted." It is further contended that the assignment of Channel 3 to Memphis was made by the Commission upon the request and showing of WREC and that petitioner who was on notice of that request "* * * contributed absolutely nothing in that connection." WREC Broadcasting Service urges that petitioner "* * * acquiesced in and consented and agreed to the Commission's order directing that the licensee of Station WMCT show cause why it should not be changed from VHF Channel 4 to VHF Channel 5" and asserts that the operation as proposed by it would be more efficient than the operation on Channel 3 by WMCT at its present site. It is contended that the Commission's television rules adopted in the Sixth Report and Order do not require the removal of station WMCT from its present site and that the only requirement which would be applicable to petitioner as a result of the separation of 187.5 miles would be that if in the future petitioner should voluntarily move its station it would then be required to move it to a site which would meet the required minimum separation of 190 miles.

7. In its "Statement in Support of WMCT's 'Petition to Correct Sixth Report, etc.'", Capital Broadcasting Company states that it together with other parties participated in the rule making proceedings and proposed therein the assignment of VHF Channel 5 to Nashville on the assumption that the required separation between stations on Channel 5 in this area would be 180 miles; that the Commission's findings that the assignment of Channel 5 to Nashville "is in accordance with out standards" is in error in view of the required 190 miles minimum co-channel assignment separation in Zone II; but that the assignment of Channel 5 to Nashville would be proper under the standards if Channel 3 were assigned to WMCT in lieu of Channel 5.

8. In its "Correction of and Supplement to Opposition to Petition to Correct Sixth Report, etc." filed May 8, 1952, WREC Broadcasting Service states that the assertion in its "Opposition, etc." that Memphis Publishing Company "consented in writing to the change in the television channel assignment of television station WMCT from Channel 4 to Channel 5" was in error. However, WREC contends that the failure of Memphis Publishing Company to file an answer or opposition to the Show Cause Order was "* * * for all legal purposes its acquiescence in the Commission's proposal * * *" WREC argues further that if the Commission determines that it should correct its Sixth Report, it could shift the reservation of Channel 10 for noncommercial educational use to Channel 5 and could thus make Channel 10 available for the operation of WMCT. It is further contended that the provision of footnote 4 of § 3.610 of the rules[1] "* * * specifically and categorically provides that even if the existing transmitting plant of Station WMCT is less than 190 miles from Nashville, Tennessee, it may continue to operate and that notwithstanding the minimum requirement of 190 miles set out in § 3.610 (a) promulgated to govern separations between television stations operating on VHF channels in Zone II."

9. In its "Motion to Strike" filed May 8, 1952, Memphis Publishing Company asserts that the Opposition filed by WREC Broadcasting Service is "so replete with name-calling and with so many vituperative allegations without support of statements of fact that it should be stricken as sham and scandalous." Memphis Publishing Company argues also that if WMCT is ordered to shift its operation from Channel 4 to Channel 5, the Rules require that Channel 5 be deleted from Nashville, while a shift in WMCT's channel assignment from 4 to 3 would preserve the assignment of Channel 5 in both Memphis and Nashville.

10. In its petition "For Rehearing" filed June 20, 1952, Memphis Publishing Company requests that "unless in the meantime, the Commission shall have granted the relief requested in the petition filed April 30, 1952, petitioner asserts that it is entitled as a matter of law to a hearing upon any proposal of the Commission whereby the license of station WMCT would be arbitrarily modified," and, that "In the event, therefore, the relief requested in the pending petition filed April 30, 1952, is not granted, petitioner requests a hearing upon the modification of its license pursuant to the provisions of section 312 (b) of the Communications Act of 1934."

11. In its "Answer to Petition of Memphis Publishing Company for Rehearing" filed June 25, 1952, WREC Broadcasting Service asserts that the said petition by Memphis Publishing Company is defective in that petitioner has not alleged that it would be injured, or that its interests would be adversely affected, if station WMCT should be operated on Channel 5, and also that the time within which a petition for rehearing may be filed has expired. Finally, WREC urges that footnote 10, paragraph (7) (k) of § 1.371 of the Commission's rules specifically provides that "* * * those applicants who are so ordered to show cause why they should not operate their television stations on another channel will not be permitted to apply for a different channel, or, more specifically, that provision states that such applications will not be accepted."

12. In summary, the foregoing pleadings consist of (1) a request by Memphis Publishing Company, and the supporting petition of Capital Broadcasting Company, that the Commission correct the Sixth Report and Order and modify the Show Cause Order issued to Memphis Publishing Company so as to specify operation of WMCT on Channel 3 in lieu of Channel 5; (2) the alternative request of Memphis Publishing Company for rehearing upon the modification of its license pursuant to the provisions of Section 312 (b) of the Communications Act of 1934; and (3) the Opposition of WREC Broadcasting Service to the foregoing request.[2]

13. The foregoing pleadings make it apparent that our action in granting the counterproposals of the Nashville parties seeking the additional assignment of Channel 5 in Nashville was based on an erroneous understanding of the facts. We stated in the Sixth Report in granting the above counterproposals that "the assignment of Channel 5 to Nashville is in accordance with our standards" (par. 749). The Memphis Publishing Company's petition points out that our statement clearly was incorrect since the distance between Nashville and the WMCT transmitter site in Memphis is only 187.5 miles, and is thus below the 190 mile minimum separation established for co-channel assignments in Zone II where both cities are situated. Although the distance between Nashville and the City of Memphis meets this minimum, we were unaware, in acting on the above counterproposals, that the separation between Nashville and the WMCT site did not meet it. The Sixth Report makes clear "where a transmitter is in existence by reason of a Commission authorization, that transmitter site is obviously the appropriate reference point." Thus in all our mileage computations expressed in the Sixth Report where an existing station was involved, the transmitter site was used as a reference point.

14. WREC Broadcasting Service argues, however, that operations of WMCT on Channel 5 would not be in violation of our separations requirements despite the assignment of Channel 5 at Nashville at a distance below 190 miles. In reaching this result WREC places reliance on footnote 4 of § 3.610 of the rules set out above. In the Sixth Report and Order we recognized that in a very small number of instances in Zone I some existing separations would operate at separations below the minimum prescribed by our rules. We found it impossible in this densely populated area

[1] Footnote 4 of § 3.610 provides as follows: Licensees and permittees of television broadcast stations which were operating on April 14, 1952 pursuant to one or more separations below those set forth in § 3.610 may continue to so operate, but in no event may they further reduce the separations below the minimum. As the existing separations of such stations are increased, the new separations will become the required minimum separations until separations are reached which comply with the requirements of § 3.610. Thereafter, the provisions of said section shall be applicable.

[2] In addition to the foregoing, we are presented with a Motion to Strike the Opposition of WREC Broadcasting Service filed on May 6, 1952 by Memphis Publishing Company and an answer to the said motion filed by WREC Broadcasting Service on May 12, 1952. Insofar as the Motion to Strike was based on misstatements of fact contained in the Opposition filed by WREC Broadcasting Service, it has been corrected by the petition filed May 8, 1952 by WREC Broadcasting Service. No other valid basis has been brought to our attention in support of the Motion to Strike and we have considered the "Opposition, etc." of WREC on the merits.

to correct the sub-standard separations without moving existing stations to the UHF band, for in those instances, existing stations were involved at both ends of such sub-standards separations. Footnote 4 of § 3.610 refers to such situations. It does not refer to situations such as that presented by WMCT and Nashville where an existing station lies only on one end of the separation. In assigning Channel 5 to Nashville we were unaware that a sub-standard mileage situation would be created. This is made abundantly clear by our statement in paragraph 128 of the Sixth Report that "in the area comprising Zone II, the Commission's proposed Table and final Table have no assignment separations below 190 miles." Consistently throughout our Sixth Report and Order we denied counterproposals failing to meet our minimum separations. If in acting on the Nashville counterproposals we had been aware of the sub-standard separation actually involved, we would then have denied the counterproposals. Our grant of such counterproposals was not an exception to our minimum separation requirements as suggested by WREC, but was an erroneous action based on a misconception of the actual mileage separation involved.

15. It is our view that Channel 5 is incorrectly assigned to Nashville at a sub-standard separation. We believe that we must reconsider our action on the Nashville counterproposals in light of the facts now brought to light. If, in acting on these counterproposals, we had been aware of the actual separation between Nashville and WMCT, we would not, and in fact could not under our Standards, have assigned Channel 5 to Nashville. Upon reconsideration, therefore, and based on our knowledge of the actual separation between Nashville and the WMCT transmitter site, we are required to deny the counterproposals of the Nashville parties seeking the additional assignment of Channel 5 to Nashville and to correct the Sixth Report and Order and the Table of Assignments set out in § 3.606 of our rules by deleting therefrom the assignment of Channel 5 to Nashville.

16. As set forth above, alternate methods of correcting the substandard separation resulting from the assignments of Channel 5 in Nashville and Memphis have been proposed by Memphis Publishing Company and WREC Broadcasting Company. The proposal of Memphis Publishing Company is that the WMCT show cause order be modified to authorize operation on Channel 3 rather than Channel 5. WREC Broadcasting Company proposed that the WMCT show cause order be modified to authorize operation on Channel 10 in lieu of Channel 5. It has been urged in support of the foregoing alternate methods of correcting the sub-standard separation that these alternate solutions would retain the assignment of Channel 5 in the City of Nashville. We cannot accept this argument as a basis for adopting either of these alternate solutions since our decision here will not necessarily result in precluding the assignment of Channel 5 in the Nashville area. Although Channel 5 may not be assigned to Nashville since the separation between WMCT's transmitter site and that city is sub-standard, this circumstance may not prevent the assignment of that channel to another city within the Nashville area provided minimum separations are maintained. Moreover, we are impelled to reject the foregoing alternate proposals for the following reasons. First, they are new proposals, offered in the instant pleadings, subsequent to the time provided for the filing of such requests, and long after our Report has been issued. Second, the requests at this time for the modification of WMCT's license to specify a new frequency is inconsistent with the provisions of § 1.371, footnote 10 of our rules (Temporary Processing Procedure). We there provided that "Except with respect to Group A-(1) applications (applications filed pursuant to show cause orders), an application by a licensee or permittee of a television broadcast station which seeks to modify an outstanding license or permit to specify a channel other than that authorized in said license or permit will not be accepted for filing by the Commission." Clearly, the modification of the WMCT show cause order to specify Channel 3 or Channel 10, rather than Channel 5 would be in contravention of the foregoing rule.

17. In light of the foregoing, and upon reconsideration, *it is ordered,* That our action in the Sixth Report and Order granting the joint counterproposal of WLAC Broadcasting Station and WSIX Broadcasting Service and the counterproposal of Capital Broadcasting Company is set aside, and that the aforesaid counterproposals are denied.

It is further ordered, That in all other respects the aforesaid petitions of Memphis Publishing Company are denied.

It is further ordered, That effective 30 days after publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to delete Channel 5 from the assignments to Nashville, Tennessee.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: September 16, 1952.

Released: September 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10545; Filed, Sept. 20, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10200]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

DOMESTIC FIXED SERVICE

In the matter of amendment of § 2.104 (a) (1) (d) of Part 2 of the Commission's rules and regulations to delete certain uses by the Domestic Fixed Service of frequencies below 25 Mc for purposes other than the safety of life and property, Docket No. 10200.

1. On May 21, 1952, the Commission adopted a notice of proposed rule making in the above-entitled matter, involving the deletion of the authority now contained in § 2.104 (a) (1) (d) of the Commission's rules for the use of certain frequencies by the Federal-State Market News Service of California (FSMNS). This notice was duly published in the FEDERAL REGISTER on June 4, 1952 (17 F. R. 5044). The notice indicated that comments would be accepted by the Commission on or before July 1, 1952. Several parties requested an extension of time in order to give further study to the proposal before commenting and the Commission, therefore, extended the time for filing comments until July 21, 1952. This time has now expired.

2. Comments were received from the following:

Tokay Marketing Agreement, Lodi, Calif.
Agricultural Council of California, Sacramento, Calif.
Pismo Oceano Vegetable Exchange, San Luis Obispo, Calif.
Earl Myers Co., San Luis Obispo, Calif.
Cross and Heller, Santa Maria, Calif.
H. E. Tabb Co., Santa Maria, Calif.
Puritan Ice Co., Guadalupe, Calif.
Ed Pryor, Santa Maria, Calif.
Kenneth F. Mann, Santa Maria, Calif.
Santa Maria Distributors, Santa Maria, Calif.
S. A. Gerrard Co., Santa Maria, Calif.
W. Hampton Katze, Santa Maria, Calif.
United Farms Co., Santa Maria, Calif.
California State Veterinary Medical Association, San Francisco, Calif.
Associated Produce Dealers & Brokers of Los Angeles, Los Angeles, Calif.
National Council of Farmer Cooperatives, Washington, D. C.
Western Packing Co., Guadalupe, Calif.
Grower Shipper Vegetable Association of Santa Barbara and San Luis Obispo Counties, Santa Maria, Calif.
California Commission on Interstate Cooperation, Sacramento, Calif.
Los Angeles County Farm Bureau, Los Angeles, Calif.
Poultry Producers of Central California, San Francisco, Calif.
California Farm Bureau Federation, Berkeley, Calif.

[3] Commissioner Jones not participating, Commissioners Webster and Hennock dissenting.

Early Apple Advisory Board, Sebastopol, Calif.
California Fruit Growers Exchange, Los Angeles, Calif.
American Farm Bureau Federation, Washington, D. C.
San Francisco Grain Exchange, San Francisco, Calif.
State of California, Department of Agriculture.
Los Angeles Chamber of Commerce.
Wine Institute, San Francisco, Calif.
California State Grange, Sacramento, Calif.
Rosemary Packing Company, Santa Maria, Calif.
Laytonville Grange No. 726.
Kern County Potato Growers Association, Bakersfield, Calif.
Grower-Shipper Vegetable Association of Central California, Salinas, Calif.
Pacific Dairy & Poultry Association, Los Angeles, Calif.
California Wool Growers Association, San Francisco, Calif.
Marketing and Foreign Trade Committee, Washington, D. C.
United States Department of Agriculture.
California Fruit Exchange, Sacramento, Calif.

3. The Commission has studied all of the comments received and finds that they relate to the following issues: In every case the comment involved an expression of fear that, should the Commission no longer permit the FSMNS to use the radio frequencies now assigned to it, the market news service could not exist. Comments also were directed to several other factors relating to the Commission's proposal, as follows: Five comments to the effect that the radio frequencies and service were required for civil defense, three comments to the effect that they were required for public health, two comments to the effect that no interference would be caused to other services by continuing present use, two comments to the effect that the proposal was discriminatory because the Commission had not proposed the deletion of frequencies for similar uses, one comment to the effect that the proposed action was not in the public interest, one that the market service served the public interest, one that the service served public safety, one that there was no evidence that other services needed the frequencies, one that the installation of wire lines or microwave facilities would be costly and a waste of manpower and material, one that the policy of requiring the domestic fixed service to use wire lines or microwaves should not apply in this instance, one comment to the effect that, because of climatic and terrain problems, microwaves would not prove feasible for this service, and one comment to the effect that the recent authorization given to the State of California for operation of teletype facilities on the FSMNS radio circuit was an indication the Commission intended to continue to authorize the operation of the radio system. Three of the comments requested that the Commission hold a hearing on this matter before making its proposal final.

4. Careful and detailed consideration of the comments filed in this proceeding has indicated to the Commission that its original notice of proposed rule making apparently did not set forth in sufficient detail the purpose of, and the reasons for, the proposed amendment to its rules and that it has consequently been misconstrued. This further notice of proposed rule making is being issued in an effort to clear up any misunderstanding which may have been inadvertently caused by the original notice, and in an attempt to enlist the support of all interested parties for this proposal which the Commission believes, on the basis of all the facts now available to it, is in the public interest.

5. Initially, the Commission wishes to emphasize as strongly as possible that its proposal in no way intended to terminate the market news service in the State of California, nor do we believe that adoption of this proposal will, in fact, require the service to be terminated. The Commission has a full appreciation and awareness of the importance and value of the market news service and of the necessity for maintaining it in California. However, we believe, for the reasons set forth in detail below, that the public interest requires that the use of radio frequencies below 25,000 kc for this service by FSMNS should be discontinued and that conversion to wire lines or to available microwave frequencies will result in improvement in the market news service which will be of benefit to its users in the State of California.

6. The factors upon which the Commission bases this belief are as follows:

A. The use of the frequencies below 25,000 kc available for fixed service (point-to-point) for fixed communications within the continental United States, where landlines are available or can readily be made available, is contrary to existing national policy, which limits these valuable frequencies to the international service where their long range characteristics are particularly valuable.

B. The frequencies now employed by the Federal-State Market News Service were assigned at a time when wire service was generally inadequate and more expensive to install and operate than it is today and the demands for use of the available radio frequencies were much less.

C. The international fixed service of the United States, including both Government and non-Government stations, has suffered a significant reduction of spectrum space pursuant to the provisions of the Atlantic City (1947) Radio Regulations. As a consequence, finding a sufficient number of operating frequencies for this important international service is a problem which confronts the United States and which is one of the major projects involved in the implementation of the Atlantic City Table of Frequency Allocations. The Commission does not believe it can or should permit the continuance of the State of California's use of frequencies below 25,000 kc for this purely domestic fixed service at a time when the United States is bending every effort toward putting its international fixed service in-band pursuant to the Agreement reached at the Geneva Extraordinary Administrative Radio Conference. The Commission believes that, on the contrary, it has an obligation to give priority to the international fixed service over the domestic fixed service in the frequency bands below 25,000 kc. Moreover, it is apparent from the Commission's Table of Frequency Allocations in Part 2 of the Commission's rules and regulations that ample radio frequencies above 25,000 kc have been provided for the domestic fixed service. Also, it is a fact that many licenses of the Commission are operating satisfactorily domestic fixed circuit communication systems in the microwave portion of the spectrum.

D. Three of the frequencies used by the FSMNS, namely, 5365, 7625 and 7640 kc, are in the portion of the spectrum in which the problem of sufficient international fixed service channels is most difficult to solve. It will be noted that comments received from interested persons suggest that the use of these frequencies by the FSMNS does not jeopardize their use by other services, since the operation is in the "daytime" when the frequencies can be shared on a time-sharing basis. This does not appear to be the case, inasmuch as the use of these three frequencies by FSMNS is between 7:30 a. m. and 3:30 p. m. P. s. t. (1530–2330 GMT), which substantially overlaps the time during which this order of frequency is needed and is now in use by the international fixed service for circuits between the West Coast and the Territory of Hawaii, Territory of Alaska and other points in the Pacific Area. Examination of the current West Coast international fixed operations reveals that between the West Coast and Alaska frequencies of the order of 7600 kc have been utilized in recent months during the entire 24 hours from 0000 to 2400 GMT. From the West Coast to Asia, and to the Territory of Hawaii, such circuits, using frequencies in the vicinity of 7600 kc, are active during the hours of operation of the FSMNS. Furthermore, with respect to the frequency 5365 kc, investigation indicates that frequencies of this order are needed during certain parts of the sunspot cycle for communication between the United States and Alaska during the night and carrying over into late morning, which includes the most active hours of the FSMNS operations.

E. With respect to the use of 4245 kc by the FSMNS, it is to be noted that this frequency is in an Atlantic City coast station band and is only 2 kc away from the frequency 4247 kc, which is proposed to be used by Station KPH, a high-powered coast station at Bolinas, California. Even if consideration were to be given to a derogation of the Atlantic City Table on the part of the FSMNS, the 4245 kc assignment could not exist on an adjacent channel to KPH.

F. Finally, in the case of 2848 kc, this frequency is located in a portion of the spectrum which is most useful to all of the mobile radio services (which cannot use wire lines and must use radio frequencies), and the continued use of 2848 kc by FSMNS will prevent full use of frequencies in this band by the mobile service. Furthermore, in its comments filed in this docket, FSMNS has indicated that the frequency 2848 kc is not particularly useful in its operations.

G. The comments received in connection with this docket stress the "loss of the service" or "discontinuing of the

service." The Commission's proposal does not imply, nor does it mean, that this communication service should be discontinued. The fact that wire lines are available, that 37 other States are utilizing wire lines for this service, and have apparently found such use to be practical and economical, appear to the Commission to be persuasive evidence that the service will not be jeopardized by the discontinuance of the use of the high frequency spectrum for such communications. Thirty-eight States disseminate market news in cooperation with the Production and Marketing Administration of the Department of Agriculture, but California is the only State utilizing high frequencies for this service. As indicated above, the Commission believes the evidence available points to the fact that it would be in the public interest for FSMNS to obtain service through utilization of wire lines or microwave facilities of common carriers, as is now the case in all other States utilizing this market service. Moreover, in view of the fact that California is, and has been for many years, the only State which has been authorized to use high frequencies for this type of service, it is abundantly clear that the Commission's proposal is in no way discriminatory toward the State of California or the FSMNS.

H. The Commission is furthermore of the opinion that the speed and accuracy of transmission by a wire line printer system would improve rather than impair the service rendered by the Federal-State Market News Service. The maximum speed of manual transmission on the existing radio net is approximately 35 words per minute, subject to personnel errors and interruptions occasioned by atmospherics and vagaries of radio propagation. Tape transmission by means of wire lines would approximately double the present radio rate of transmission and would reduce errors to a minimum. This would be particularly true if incoming traffic from the Department of Agriculture leased line were automatically re-perforated for relay on the Federal-State Market News Service communication circuit. Unedited Department of Agriculture traffic is believed to constitute roughly 80 percent of the total traffic now handled by the FSMNS radio network.

I. Moreover, in an effort to insure that there would be sufficient time for the State of California to convert the FSMNS and its equipment from its present operations to the use of wire lines or microwave facilities, the Commission in its original notice of proposed rule making provided that the effective date of the amendment to its rule would be 6 months after the issuance of the Commission's final order in this docket, or March 1, 1953, whichever is later. None of the comments filed in response to the original notice of proposed rule making indicated that the conversion period specified by the Commission would not be adequate, and it is the Commission's belief that the process of conversion of the existing system to wire line service would not be lengthly or costly.

J. It has been suggested that the FSMNS should retain its present radio frequency assignments in the interests of civil defense. It must be emphasized that the assignment of radio frequencies for civil defense purposes must be coordinated by the Commission with the Federal Civil Defense Authority, the Department of Defense, and other interested agencies. The frequencies on which the FSMNS now operates have not been assigned for civil defense use and it is not contemplated that they will be assigned for that purpose. However, other frequencies have been coordinated and set aside for civil defense use and some of the radio equipment of the FSMNS could be used on those frequencies.

7. The Commission wishes to afford all interested parties an opportunity to reconsider the proposed amendment to its rules set forth in its original notice of proposed rule making in light of the considerations set forth above.

8. This further notice of proposed rule making is issued pursuant to the authority of sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended.

9. Any interested person who wishes to submit further comments in this docket directed towards the additional facts incorporated in this notice may file with the Commission on or before November 10, 1952, a written statement or brief setting forth his views. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original briefs or comments. The Commission will consider all comments and briefs that are filed before taking final action.

10. An original and 14 copies of each brief or written comment should be filed, as required by § 1.764 of the Commission's rules and regulations.

Adopted: September 17, 1952.

Released: September 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10544; Filed, Sept. 29, 1952; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 10318]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, rules governing television broadcast stations, Docket No. 10318.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has this day modified the Sixth Report and Order (FCC 52-294) in Docket 8736 et al., to delete the assignment of Channel 5 to Nashville, Tennessee. The reasons for this action have been set out in detail in a Memorandum Opinion and Order (FCC 52-1069). The Commission is of the opinion that in view of the deletion of Channel 5 from Nashville, it would be in the public interest to assign Channel 5 to Old Hickory, Tennessee. Old Hickory is a community of approximately 8,500 persons located in the Nashville metropolitan area at a distance of approximately 11 miles from the City of Nashville. The assignment of Channel 5 to Old Hickory would make it possible for a station operating on Channel 5 to serve the needs and interests of the Nashville metropolitan area as well as the community of Old Hickory itself. The assignment of Channel 5 to Old Hickory would be fully consistent with the standards and policies set forth in the Sixth Report and Order and with the Commission's rules and regulations.

The deletion of Channel 5 from Nashville creates an inefficiency in the use of spectrum space which is of serious consequence to the residents of the Nashville metropolitan area. However, by assigning Channel 5 to Old Hickory, the Commission would be affording recognition to public interest requirements substantially the same as those which were recognized in the assignment of Channel 5 to Nashville during the proceedings in Docket 8736.

3. In light of the above, the Commission proposes to amend the Table of Assignments contained in § 3.606 of the Commission's rules and regulations to read as follows:

City	*Channel No.*
Tennessee: Old Hickory	5

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 3, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 16, 1952.

Released: September 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10543; Filed, Sept. 29, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 24]

ACCOUNTING REGULATIONS PRESCRIBED FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICE AGAINST HEAT OR COLD

REPAIRS—REFRIGERATION SERVICE FACILITIES

SEPTEMBER 18, 1952.

Having under consideration the matter of the allowances at specified unit prices to cover repairs of refrigerating devices in cars and damage to cars by top or body ice, the Commission by Division I has approved modification of the prescribed accounting regulations to include the cost of repairs for which such allowances are made in account 410, "Repairs—Refrigeration Service Facilities," instead of charging them to account 310, "Car Repairs," as now provided.

Any interested party may on or before October 22, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the above modification effective December 1, 1952.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10540; Filed, Sept. 23, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

SEPTEMBER 19, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 021424, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands located in the East Addition to Anchorage Townsite:

All of Block 33B, and all that portion of Block 40, per townsite plat of East Addition to Anchorage Townsite, approved December 19, 1917, lying south of Ship Creek, including Block 40C, and the streets and alleys lying north of First Street and west of East "K" Street, as shown on plat accepted August 30, 1941.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 52-10524; Filed, Sept. 29, 1952; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

SEPTEMBER 19, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 021657, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands:

T. 1 S., R. 14 W., Seward Meridian
Sec. 34, Lot 6

The purpose of this notice is to give persons having bona fide objections to the transfer, the opportunity to file with the Manager, Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 52-10525; Filed, Sept. 29, 1952; 8:45 a. m.]

Office of the Secretary

NORTH DAKOTA

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING CERTAIN PUBLIC LAND AS ADDITION TO UPPER SOURIS NATIONAL WILDLIFE REFUGE[1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN, *Assistant Secretary of the Interior.*

SEPTEMBER 23, 1952.

[1] See Title 43, Chapter I, Appendix, PLO 866, *supra.*

[F. R. Doc. 52-10527; Filed, Sept. 29, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6557]

CARIBBEAN AMERICAN LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the Caribbean American Lines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on September 30, 1952, at 10:00 a. m., is postponed indefinitely.

Dated at Washington, D. C., September 25, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-10533; Filed, Sept. 29, 1952; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, As Amended, Section 20 (c), Special Order 14]

ALBERT, INC.

PRICES FOR SELLING SERVICES SUPPLIED

Statement of considerations. The ceiling price for selling services supplied to Albert, Inc., 317 West Adams Street, Chicago, Illinois, by its sales representatives on sales of ladies' lingerie is adjusted by this Special Order pursuant to Section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his sellers' existing ceiling prices, and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the

same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that applicant sells ladies' lingerie throughout the United States through the services of ten sales representatives. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices for such service will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of such service to the applicant are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1. The application of Albert, Inc., 317 West Adams Street, Chicago, Illinois, for an adjustment of the ceiling prices which sellers may charge applicant for selling ladies' lingerie is granted as follows:

On and after the effective date of this Special Order, the ceiling price for selling ladies' lingerie for Albert, Inc., by the following sales representatives shall be 6 percent of the net sales price of the articles sold:

Barney Blum, 3198 West Seventh Street, Los Angeles, Calif.
Martin Davis, 149 Madison Avenue, New York, N. Y.
Herbert Ellis, 2049 East Sixty-seventh Street, Chicago, Ill.
Steve Godich, 1812 Exposition Avenue, Dallas, Tex.
Calvin Goldman, 16915 Eldemere, Cleveland, Ohio.
Jack Riley, 1708 South Downing, Denver, Colo.
Jerry Weisberg, 6342 North Troy, Chicago, Ill.
Gene Wieder, 7764 Wise Avenue, St. Louis, Mo.
John Wilson, 511 Edward Street, Burlington, Wis.
Sam Winn, 701 Eighty-second Street, Miami Beach, Fla.

2. Albert, Inc., may pay to the sellers listed above the increased price determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this order shall be provided by Albert, Inc., to the sellers listed above. A copy of this order shall be kept by each of these sellers and another copy shall be filed by each seller with the appropriate District Office of the Office of Price Stabilization with which each of the sellers has filed or is required to file a statement of its ceiling prices under section 18 of Ceiling Price Regulation 34.

4. All requests in the application of Albert, Inc., not granted herein are denied.

5. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

6. This Special Order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective September 25, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10487; Filed, Sept. 24, 1952; 11:08 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10293]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN; AMENDMENT

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 18th day of September 1952;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 52-819) setting forth the above amendment was issued by the Commission on July 30, 1952 and was duly published in the FEDERAL REGISTER (17 F. R. 7153), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before September 3, 1952; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocations would facilitate consideration of pending applications requesting Class B assignments in Clemson and Seneca, South Carolina;

It is ordered, That effective October 27, 1952, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
1. Clemson, S. C.		240
Newberry, S. C.	240	288
Columbia, S. C.	288	
2. Seneca, S. C.		261
Asheville, N. C.	261	

Released: September 23, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10542; Filed, Sept. 29, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6450]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

SEPTEMBER 24, 1952.

Notice is hereby given that on September 23, 1952, the Federal Power Commission issued its order entered September 23, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10528; Filed, Sept. 29, 1952; 8:46 a. m.]

[Docket No. E-6452]

IDAHO POWER CO.

NOTICE OF SUPPLEMENTAL ORDER APPROVING PROPOSED METHOD OF COMPLYING WITH COMPETITIVE BIDDING REQUIREMENTS

SEPTEMBER 24, 1952.

Notice is hereby given that on September 22, 1952, the Federal Power Commission issued its order entered September 22, 1952, approving proposed method of complying with competitive bidding requirements in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10529; Filed, Sept. 29, 1952; 8:46 a. m.]

[Docket Nos. G-1824, G-1980]

NEW YORK STATE NATURAL GAS CORP.

ORDER REOPENING PROCEEDING, CONSOLIDATING PROCEEDINGS, DENYING SHORTENED PROCEDURE AND FIXING DATE OF HEARING

SEPTEMBER 23, 1952.

On June 25, 1952, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal office in New York City, New York, filed at Docket No. G-1980 an application, and supplement thereto on August 29, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of

the Natural Gas Act, authorizing the construction and operation of approximately 20 miles of 16-inch, 75 miles of 20-inch, and 970 feet of 20-inch pipeline connecting lines 2, 4, and 34 to the Sabinsville Compressor Station, all as described in Notice of Application published in the FEDERAL REGISTER on July 12, 1952 (17 F. R. 6287).

On August 29, 1952, Applicant filed a petition for modification of the Commission's order issued February 27, 1952, in Docket No. G–1824, for the purpose of deleting therefrom authorization to construct and operate (a) approximately 17.1 miles of 16-inch loop pipeline paralleling Applicant's existing line (Line No. 2) between Colesburg and County Line Header in Potter County, Pennsylvania, and (b) authorization to install and operate an additional 1,320 hp. compressor capacity at the J. B. Tonkin Compressor Station.

The applicant has requested that the application filed at Docket No. G–1980 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for a noncontested proceeding.

Dispostion of the foregoing application and petition may entail a need for modification of the Commission's order issued February 27, 1952, in Docket No. G–1824, so as to rescind that portion of the certificate authorization relating to the items contained in paragraphs (3) and (6) of said order.

The application, together with supplement at Docket No. G–1980, and the petition to modify filed at Docket No. G–1824, are on file with the Commission and open for public inspection.

The Commission finds:

(1) The Commission should on its own motion reopen the proceeding in Docket No. G–1824 for the sole purpose of determining whether it is in the public interest to modify its order of February 27, 1952, issued in Docket No. G–1824, and rescind the authorization to construct and operate the facilities described in paragraphs (3) and (6) of the order, as requested by Applicant.

(2) Good cause exists to consolidate the proceeding in Docket No. G–1980 and the reopened proceeding referred to in finding (1) above.

(3) Good cause has not been shown for granting the Applicant's request that the application filed at Docket No. G–1980 be heard under the shortened procedure, as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

The Commission orders:

(A) The proceeding in Docket No. G–1824 be, and the same hereby is, on the Commission's own motion, reopened for the sole purpose of determining whether the authorization to construct and operate the facilities as described in paragraphs (3) and (6) of the Commission's order issued February 27, 1952, at Docket No. G–1824, should be rescinded as requested by the Applicant.

(B) The proceeding in Docket No. G–1980, and the reopened proceeding referred to in paragraph (A) above, be, and they hereby are consolidated for purpose of hearing.

(C) The request of the Applicant in Docket No. G–1980 for disposition of the proceeding in accordance with the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be, and the same hereby is denied.

(D) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on October 8, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid consolidated proceedings.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10519; Filed, Sept. 23, 1952; 8:51 a. m.]

[Docket No. G-1976]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 24, 1952.

Notice is hereby given that on September 24, 1952, the Federal Power Commission issued its order entered September 23, 1952, amending its order of August 13, 1952 (17 F. R. 7661), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10530; Filed, Sept. 23, 1952; 8:46 a. m.]

[Docket No. ID-1035]

EDWARD G. TWOHEY

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

SEPTEMBER 24, 1952.

Notice is hereby given that on September 24, 1952, the Federal Power Commission issued its order entered September 23, 1952, authorizing applicant to hold certain positions pursuant to Section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10531; Filed, Sept. 23, 1952; 8:46 a. m.]

[Project No. 2103]

MONTANA PHOSPHATE PRODUCTS CO.

NOTICE OF ORDER ISSUING LICENSE (MINOR PART)

SEPTEMBER 24, 1952.

Notice is hereby given that on August 5, 1952, the Federal Power Commission issued its order entered July 31, 1952, issuing license (Minor Part) in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10532; Filed, Sept. 23, 1952; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS WITHOUT ADVERTISING

1. Pursuant to the authority vested in me by section 302 (a) of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), as amended, hereinafter called the "act," authority is hereby delegated to the Secretary of Agriculture to negotiate, in accordance with section 302 (c) (4) of the act, without advertising, contracts for the rendition of engineering and architectural services in connection with the establishment of a laboratory and related facilities for investigation of foot-and-mouth and other animal diseases as authorized by the act of April 24, 1948 (21 U. S. C. 113a).

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and preservation of data, and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated to any officer, official, or employee of the Department of Agriculture.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 25, 1952.

JESS LARSON, *Administrator.*

[F. R. Doc. 52-10533; Filed, Sept. 23, 1952; 9:03 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[EC 63]

SEWARD, ALASKA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 23, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and

Rent Act of 1947, as amended, exist in the area designated as

Seward, Alaska, Area: (The area consists of, in the Third Judical Division, Seward District except those portions of the district which are within a 20-mile radius of the Post Office of the City of Anchorage, Fort Richardson, and Elmendorf Air Force Base, Alaska.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10638; Filed, Sept. 29, 1952; 12:00 m.]

[RC 67]

CEDAR RAPIDS, IOWA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Cedar Rapids, Iowa, Area: (The area consists of all of Linn County, Iowa.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10639; Filed, Sept. 29, 1952; 12:01 p. m.]

[RC 68]

ALLENTOWN-BETHLEHEM, PENNSYLVANIA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Allentown-Bethlehem, Pennsylvania, Area: (The area consists of Northampton and Lehigh Counties in Pennsylvania; and the Townships of Greenwich, Lopatcong, and Pohatcong, the Borough of Alpha, and the town of Phillipsburg, all in Warren County, New Jersey.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10640; Filed, Sept. 29, 1952; 12:01 p. m.]

[RC 69]

EVANSVILLE, INDIANA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Evansville, Indiana, Area: (The area consists of Vanderburgh County, Indiana.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10641; Filed, Sept. 29, 1952; 12:01 p. m.]

[RC 70]

DENVER, COLORADO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Denver, Colorado, Area: (The area consists of the Counties of Denver, Adams, Arapahoe, and Jefferson, Colorado.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10642; Filed, Sept. 29, 1952; 12:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

SEPTEMBER 24, 1952.

The Commission, on December 24, 1947, having issued its order approving a plan of reorganization of Interstate Power Company ("Interstate"), a registered holding company and a subsidiary of Ogden Corporation ("Ogden"), also a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") subject to conditions reserving jurisdiction to determine, among other things, the reasonableness and appropriate allocation of all fees, expenses, and other remuneration incurred and to be incurred in connection with said plan;

The Commission on February 20, 1951, having issued its order approving a supplemental plan proposing the distribution of certain assets previously placed in escrow, said order having provided that jurisdiction was specifically reserved to consider and determine the reasonableness and allocation of all fees and expenses incurred and to be incurred in connection with said supplemental plan and the transactions incident thereto;

The Commission, on June 26, 1952, having issued its order releasing jurisdiction over certain fees and expenses incurred in connection with said supplemental plan subject to a reservation of jurisdiction with respect to an application by Phillip D. Crockett, a representative of certain debenture holders, as to which the record had not been completed;

Said Phillip D. Crockett having filed an amendment requesting approval and an allowance only of his expenses in the amount of $930;

The Commission finding that such expenses are reasonable and were necessarily incurred in connection with said supplemental plan:

It is ordered, That Ogden is directed to pay the expenses requested by Phillip D. Crockett:

It is further ordered, That the jurisdiction heretofore reserved with respect to the application filed by Phillip D. Crockett is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10550; Filed, Sept. 29, 1952; 8:51 a. m.]

[File No. 70-2924]

APPALACHIAN ELECTRIC POWER CO.

SUPPLEMENTAL ORDER RE BONDS, SERIAL NOTES AND RESERVATIONS WITH RESPECT TO FEES

SEPTEMBER 24, 1952.

The Commission, by order dated September 15, 1952, having granted the application, or permitted the declaration to become effective, of Appalachian Electric Power Company ("Appalachian"), an electric subsidiary of American Gas and Electric Company, a registered holding company, with respect to the issuance and sale by Appalachian of $17,000,000 principal amount of First Mortgage Bonds ____ percent Series due 1982, and $6,000,000 aggregate principal amount of its ____ percent Serial Notes due 1956-1967, subject to a reservation of jurisdiction with respect to the results of competitive bidding under Rule U-50 concerning both securities, and a further reservation of jurisdiction with respect to fees and expenses; and

A further amendment having been filed on September 24, 1952, setting forth the action taken by Appalachian to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids, the following bids for the securities have been received:

BONDS

Bidder	Annual interest rate (percent)	Price to company (percent of principal)	Annual cost to company (percent)
The First Boston Corp.	3½	101.569	3.416
Kuhn, Loeb & Co. and Union Securities Corp.	3½	101.421	3.4233
Halsey, Stuart & Co., Inc.	3½	101.311	3.4237
Harriman, Ripley & Co., Inc.	3½	101.009	3.4173

SERIAL NOTES

Kuhn, Loeb & Co. and Union Securities Corp.	3½	100.76	3.4203
Halsey, Stuart & Co., Inc.	3½	100.65	3.4197
The First Boston Corp.	3½	100.3093	3.4717

Said amendment to the declaration also setting forth that Appalachian has accepted the bid for the Bonds of the group headed by the First Boston Corporation, and that said Bonds will be reoffered to the public at a price of 102.25 percent of the principal amount thereof plus accrued interest from October 1, 1952, to the date of payment and delivery, resulting in a gross underwriting spread of 0.681 percent of the principal amount of said Bonds, said spread aggregating $115,770; and

Said amendment also setting forth that Appalachian has accepted the bid for the Serial Notes of the group headed by Kuhn, Loeb & Co. and Union Securities Corporation, as shown above, and that said Serial Notes will be reoffered to the public at the yields shown below with respect to the several maturities resulting in an average price to the public of 101.165 percent of the principal amount thereof plus accrued interest from October 1, 1952, to the date of payment and delivery, and resulting in a gross underwriting spread of 0.405 percent of the principal amount of said Serial Notes, such spread aggregating $24,302.30; said amendment further setting forth that the said Serial Notes will be reoffered to the public at prices which will result in the yields set forth below, for the respective maturities, for the period from the delivery date to maturity, plus in each case accrued interest from October 1, 1952, to the delivery date:

Series:	Yield (Percent [1])
1956	3.0
1957	3.05
1958	3.10
1959	3.15
1960	3.20
1961	3.25
1962	3.30
1963	3.35
1964	3.40
1965	3.45
1966	3.475
1967	3.475

[1] Computed as of an assumed delivery date of Oct. 2, 1952.

The record not having been completed with respect to the fees and expenses of counsel, and it appearing that the other expenses as estimated are not unreasonable; and

The Commission having examined said amendment, and having considered the record herein, and finding no reason for the imposition of terms and conditions with respect to the results of competitive bidding, and it appearing appropriate to release jurisdiction with respect to fees and expenses other than the fees and expenses of counsel:

It is ordered, That jurisdiction with respect to the matters to be determined as a result of competitive bidding under Rule U-50 and with respect to fees and expenses, other than the fees and expenses of counsel be, and the same hereby is, released and that said application or declaration, as amended, be, and the same hereby is, granted or permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24; and

It is further ordered, That jurisdiction heretofore reserved with respect to the fees and expenses of counsel be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10551; Filed, Sept. 29, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27419]

RUBBER TIRES FROM MASSACHUSETTS AND CONNECTICUT TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent L. N. Doe's tariff I. C. C. No. 610, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Points in Massachusetts and Connecticut.

To: Memphis, Tenn., Baton Rouge, La., and other points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10553; Filed Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27420]

COAL FROM DU QUOIN, ILL., DISTRICT TO ILLINOIS, INDIANA, AND MICHIGAN

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company, for itself and on behalf of the Chicago & Eastern Illinois Railroad Company, and the Grand Trunk Western Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Mines in the Du Quoin, Ill., district.

To: Points in Illinois, Indiana, and Michigan, on the Grand Trunk Western Railroad.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Mo. Pac. RR. tariff I. C. C. No. A-10201, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other

than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10534; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27421]

TRANSIT RATES ON LUMBER FROM SOUTHERN TERRITORY TO ANNISTON, ALA.

APPLICATION FOR RELIEF

SEPTEMBER, 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company, for itself and on behalf of The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Lumber and other forest products, carloads.

From: Points in southern territory.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: Sou. Ry. tariff I. C. C. No. A-11211, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10535; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27422]

FERTILIZER FROM MARTINSVILLE, VA., SPARTANBURG, S. C., AND SELBYVILLE, DEL., TO OFFICIAL AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-816.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Martinsville, Va., and Spartanburg, S. C., to destinations in official territory, and from Selbyville, Del., to destinations in southern territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10536; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27423]

YARN FROM FLORA, MISS., TO TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 856.

Commodities involved: Yarn, in carloads.

From: Flora, Miss.

To: Trunk-line (including Buffalo-Pittsburgh) and New England territories.

Grounds for relief: Rail and motor competition, circuity, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 856, Supp. 155.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10537; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27424]

FERTILIZER FROM LAKE JUNCTION, N. J., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-816.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Lake Junction, N. J.

To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-816, Supp. 80.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10538; Filed, Sept. 29, 1952; 8:48 a. m.]

[4th Sec. Application 27425]

COKE FROM POTTER, OKLA., TO MIDWEST AND SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3952.

Commodities involved: Coke, coke breeze, coke dust and screenings, carloads.

From: Potter, Okla.

To: Points in Arkansas, Louisiana, Kansas, Missouri, Illinois, Tennessee, and Mississippi.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3952, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10539; Filed, Sept. 29, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19020]

FERD. MULHENS, INC.

In re: Rights and interests in trademarks and goodwill of Ferd. Mulhens, Inc., and agreements relating thereto.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193; as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after investigation, it is hereby found:

1. That Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), sometimes designated as the House of Muelhens, was, on December 11, 1941, and until his death in 1945, a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), who there is reasonable cause to believe are and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title and interest, if any, of whatsoever kind or nature, including without limitation any reversionary interest, under statutory or common law of the United States and of the several States thereof, of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), or of the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Muhlens), in and to any and all of the goodwill of the business in the United States of Ferd. Mulhens, Inc., a New York corporation, its successors or assigns, and in and to any and all registered or unregistered trademarks and trade names appurtenant to said business of Ferd. Mulhens, Inc.; and all interests and rights of whatsoever kind or nature created in Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), or the domiciliary personal representatives, heirs, next of kin, legatees or distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), by virtue of any and every agreement, license, privilege, power, writing or understanding of whatsoever kind or nature (including, but not limited to, an agreement made and entered into at New York, New York as of May 1, 1931, between Peter Muelhens and Ferd. Mulhens, Inc., and any and all modifications thereof or supplements thereto, including, but not limited to, an agreement made and entered into at New York, New York as of January 1, 1936, between Paul Peter Muelhens and Ferd. Mulhens, Inc., and an agreement or understanding set forth or contained in an exchange of letters from Ferd. Mulhens, Inc. to Maxwell C. Katz and from Maxwell C. Katz to Ferd. Mulhens, Inc., respectively dated at New York, New York, January 31, 1941, and February 24, 1941) arising under or with respect to said business of Ferd. Hulhens, Inc., its successors or assigns,

is, to the extent not heretofore vested, property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons identified in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), be treated as persons who are and prior to January 1, 1947, where nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-10563; Filed, Sept. 29, 1952; 8:54 a. m.]

[Vesting Order 1590, Amdt.]

FERD. MULHENS, INC., AND PAUL PETER MULHENS

In re: Trademarks and other property of Ferd. Mulhens, Inc. and Paul Peter Mulhens (Muelhens), and contractual interests relating thereto.

Vesting Order No. 1590, executed June 3, 1943, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 6 (g) of said vesting order and substituting the following:

(g) The interests and rights in and to an agreement or agreements more fully described and identified in Exhibit C attached hereto and made a part hereof.

2. By deleting Exhibit C of said vesting order and substituting the following:

EXHIBIT C

All interests and rights (including, without limitation, all accrued royalties and other moneys payable or held with respect to said interests and rights and all damages for breach of the agreement or agreements hereinafter described, together with any and all rights to sue therefor) created in Peter Muelhens (Paul Peter Muelhens) by virtue of a certain agreement dated at New York, New York as of May 1, 1931 (including any and all modifications thereof and supplements thereto, if any, including, without limitation,

modifications thereof and supplements thereto, if any, set forth or contained in an agreement dated as of January 1, 1936, between Paul Peter Muelhens (Peter Muelhens) Cologne, Germany, and Ferd. Mulhens, Inc., and/or an agreement set forth or contained in a letter from Ferd. Mulhens, Inc., to Maxwell C. Katz dated at New York, New York, January 31, 1941, and a letter in reply thereto from Maxwell C. Katz to Ferd. Mulhens, Inc., dated at New York, New York, February 24, 1941) by and between Peter Muelhens, therein designated the House of Muelhens, and Ferd. Mulhens, Inc., pursuant to which Peter Muelhens agreed, among other things, to appoint Ferd. Mulhens, Inc., his sole and exclusive agent in the United States of America for the compounding, manufacturing and/or selling of eau de cologne, soaps, perfumeries, toiletries and kindred articles under the trademark, trade name and label "4711" and such other trademarks, trade names and labels as directed by Peter Muelhens, and Ferd. Mulhens, Inc., agreed to pay Peter Muelhens for his services in assisting in the direction of the business of Ferd. Mulhens, Inc., and further agreed that all trademarks, trade names or labels used or hereafter to be used upon or in relation to products sold by Ferd. Mulhens, Inc., including the recipes for blending, manufacturing or compounding of any such products, are the property of Peter Muelhens.

All other provisions of Vesting Order No. 1590 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby confirmed and ratified.

Executed at Washington, D. C. on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10570; Filed, Sept. 29, 1952; 8:54 a. m.]